**CHILD-STEALING: AN EPIDEMIC** **BRUCE W. MOST**

# THE NATION

MAY 7, 1977 60 cents

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## THE COUP THAT FAILED
## INDIRA WAS WILLING
**Robert Manoff**

***DIPLOMACY OF THE POSSIBLE***
## *The Pragmatism of Human Rights*
***MICHAEL REISMAN***

**OUR ECONOMIC DISORDER / WILLIAM APPLEMAN WILLIAMS**

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# LETTERS

## Cuba's economy

*Gorham, Maine*

L.S. Stavrianos's "Cuba: Update on a Revolution" [*The Nation*, Mar. 5], meditates happily on the evidence of social justice in Cuba without seriously examining its economic underpinnings.

How can Castro's revolution serve as a model for anything, until it demonstrates that it is economically viable? At the moment, the island is sustained by cheap Soviet oil which the Cubans have, in considerable part, failed to pay for. Thus Cuba's $5 billion debt to the USSR, a sum which continues to grow at some $2 million per day.

The Soviets learned something from this experience, even if the Stavrianoses of this world did not. When the Soviets were offered the opportunity to fund social justice in Allende's Chile, they politely demurred, and let his revolution collapse. Too expensive.

In theory, Castro was to pay for Soviet oil with Cuban sugar. He had planned to double Cuban sugar production over prerevolutionary levels. In fact, however, after eighteen years of revolutionary management, Cuba still finds it difficult to equal the production of the bourgeois planters of the past. In the meantime, Cuba's population has almost doubled. Thus, sugar production per capita is now off almost half from prerevolutionary levels. Can it be that the Cuban worker, despite all the social benisons conferred on him, isn't particularly productive?

The unwillingness of the admirers of Cuba's social reforms to . . . explain the economy's mediocre performance is a sociological and intellectual phenomenon as interesting as the revolution itself.

*Alfred Padula, Assistant Professor of History*
*University of Maine*

## Hauptmann's ghost

*Beaver Falls, Pa.*

Your comment on the Hauptmann case [editorial, "We Cannot Be Sure," Apr. 9] looks like a case of going overboard in search of a precedent. I do not recall that "Lucky Lindy" had all that much following in this matter; Hauptmann was not wanting in friends and backers. Particularly, he had the support of Governor Hoffman. Judge Lebowitz, then perhaps the foremost homicide defense lawyer in the land, was retained by a wealthy individual to interview Hauptmann in prison to determine if there was in fact a defense. The judge believed that Hauptmann would likely have admitted his guilt were it not that the support of Governor Hoffman seemed to require a different stance.

No person can read the handwriting testimony given in that trial and view the handwriting exhibits including the peculiar misspellings without realizing that Hauptmann had written them; the testimony concerning the matching of the wood in the ladder with the attic wood in the Hauptmann home is equally clear. *T.A. Tenor*

Hauptmann may indeed have been guilty, and our editorial did not assert his innocence. What it did say is that new material bearing on that question, and on the conduct of the prosecution during the trial, has come to light, and that this circumstance is yet another reminder of the fact that capital punishment assumes a perfection of knowledge beyond human grasp. *The Editors*

## correction

In "Bankers' Stakes in Zaire" [*The Nation*, Apr. 30] Reed Kramer stated that a still-secret Pentagon report on Zaire's military needs was written by a Rockwell Corporation survey team. In fact, the report was written by Maj. Gen. James Rockwell, U.S. Army.

# EDITORIALS

## The Uphill Road

Two ominous events surrounded the President's proclamation of the Energy Crisis. The first was a natural catastrophe (when the oil well in the North Sea blew) and the other was a Congressional threat (when Senate Majority Leader Byrd quietly said that the Senate would have to stop all other work in order to handle Carter's energy legislation).

The oil spill underlines the need for something like his energy conservation program, and soon. The Byrd statement shows how hard it will be to pass the necessary laws.

The blowout on Bravo platform of the well operated by Phillips Petroleum Corp. in Norwegian waters emphasizes the desperate lengths to which the Western world has gone to keep up its high-consumption ways. It also proves how extremely and inherently unsafe are these underwater wells. Whether or not that well is promptly capped, it should be noted that oil was escaping into the notoriously dangerous waters of the North Sea at a rate that in two weeks would match the pollution from the tanker *Torrey Canyon* in 1967.

Scores of other wells in that tricky water could blow at any time, and there will be hundreds more of them before Britain has completed its drive for energy self-sufficiency. Those who suspect President Carter of exaggerating the need for conservation would do well to remember that, according to the oil industry's present plans, the waters off America's East Coast, those near the world's greatest fisheries, will soon be sprouting oil rigs in serried rows.

Almost no one questions the need for drastic measures to curb our appetite for energy. The debate is over how to achieve that end, and it is heating up. Senator Byrd's soft-spoken warning to Carter, that he has put too much on the plate of Congress to allow room for any legislation other than energy bills, is a serious matter. It amounts to a deliberate slowdown of the Congressional production line.

The legislators' way to deal with measures that face resistance from the interest groups is to complicate their procedures. There will be endless hearings and intricate juggling before even a single law is passed that will change the way energy is now handled. Carter, who was not born yesterday, had no doubt that this was what would happen; that is why he warned against the special interests in his TV address of mid-April. That warning will, of course, not do the job all by itself. It will have to be repeated again and again, probably in rising tones.

The nature of the main opposition to Carter's proposal was well summarized in a statement by Howard Baker, Republican Minority Leader of the Senate, on April 25. Said Baker, "We can produce our way out of this." He meant that we could get out of the present bind not primarily by conserving energy but by producing more and more of it—and that would take "incentives." Who would get the benefit of those incentives? Why industry, to be sure, the very firms that have stimulated the American people into becoming the guzzling consumers



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who only yesterday were boasting of the world's highest standard of living.

Whatever they pretend, however oily their pieties, what Baker and his corporate friends take is the infinitesimally short view. Their policies would lead to a bonanza splurge for the corporations in the energy business, until the fossil fuel supplies ran out as the price hit the stratosphere. That, sane people know, is not the way to go.

Whether the Carter way is altogether the right one is another matter. It seems radical only because it is so comprehensive, because it purports to grapple with most of the factors in the energy equation. For the first time the basic questions have been faced. But the answers are quite conservative, as one would expect from a program put together by Carter, with Schlesinger, the dour technocrat, leaning over his shoulder.

The fact that it has been generally hailed by the Establishment *bien-pensants* kills any notion that it means to disturb the corporate way that things are done in this country. As *The New York Times* said of Schlesinger and his boss, they "will have done their initial work well if, in the end, the public at last finds the price that is right." That is a rather puzzling formulation because the truth is that the public has little say in all this. If ever prices were administered by a few big combines, it is in the field of energy.

Reactionary economists like Milton Friedman can talk all they like about people voting with their feet (meaning dollars) in the marketplace. But how can they escape the pricing mechanism of oil's Seven Sisters, which also seems to control the prices of the so-called "independents"? (See David Zielenziger's "Collusion at the Gas Pump: 'Independents' They Are Not," on p. 551, this issue.) Friedman, by the way (*Newsweek*, May 2), calls the Carter-Schlesinger proposals a bureaucratic "monstrosity" and pines, as usual, for the free market he will not admit is long dead and gone. On the same page where Friedman's lament appears, his fellow-Nobelist Paul A. Samuelson generally approves the plan, seeing in it a proper mix of "rhetoric, price penalties, pecuniary subsidies and outright fiats in strategic proportions."

It has been estimated that to implement the program will take at least twenty-five separate pieces of legislation. These laws will be subjected to all the arts of the loophole, in which Congress specializes. They must get by both Sen. Henry Jackson, the energy dean, and Sen. Russell Long of the Finance Committee, friend of the special interests, most particularly of oil.

It will be a long, hard, uphill road. At this point one can only hope that the general interest, as against the special interests, will be uppermost in Carter's mind as he pushes all the way.

## Griffin Bell Believes in Law

Atty. Gen. Griffin Bell, having listened to complaints from the FBI that its morale is shot, is nevertheless going ahead with the prosecution of a former agent for illegal actions (wiretapping and mail opening) when he was in the bureau's New York office. That is extraordinary and excellent news.

Bell came out of a meeting with FBI Director Clarence

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Kelley and an elected panel of ten agents, unmoved by their pleas that the prosecution of John J. Kearney be stopped in the interests of morale. Furthermore, he has ruled that the government will not pay the legal expenses of agents who fall foul of the laws they are supposed to uphold. These developments should not be newsworthy, but the fast and loose operations of the FBI under the unlamented J. Edgar Hoover make them so.

The Attorney General said some striking things after he had heard the case for quashing the Kearney indictment—again striking only because of the past's dark record. "What is at stake is the rule of law," he said. "If you break the law, ordinarily you suffer the consequences." He made it plain, in his understated way, that from now on the FBI would be held accountable for its actions and that other prosecutions would follow that of Kearney. Bell's tone is dry and official, lacking the ring of a crusade, but there's a certain steeliness to it. "Even though it [the alleged lawbreaking of Kearney, et al.] happened at a time when the country was very different than it is now," he remarked, "if the law was broken the Attorney General ought to take note of it." Indeed he should—and his predecessors, with some exceptions, have been noted for not taking note of laws freely broken by the FBI. The argument that paralyzed them was always the old one of "national security." They would stand for anything when that was said to be at stake.

There is still a way to go before Americans can be sure that the FBI is really back under control, but Griffin Bell has shown that he means business. As he coldly said, the law has no way of balancing morale factors against evidence that crimes have been committed. The FBI is in the dock at last.

## America's Oubliette

It looks as though G. Gordon Liddy, that most tight-lipped of spooks, will be out of jail soon, thanks to President Carter's recent commutation of his sentence from twenty to eight years—"in the interest of equity and fairness." Carter and Attorney General Bell apparently felt that Liddy should not serve a sentence out of proportion to the minuscule terms meted out to other Watergate offenders. It is a dismaying decision—not because one would want G. Gordon, or anyone else, to remain behind bars but because of the *in*equity and *un*fairness it reveals in the government's attitude toward other prisoners.

An interesting comparison can be made, for example, between the treatment of Liddy and that of the people considered by many to be the longest incarcerated political prisoners in the Western Hemisphere: the five Puerto Rican nationalists. Lolita Lebrón, Oscar Collazo, Rafael Cancel Miranda, Andrés Figueroa Cordero and Irvin Flores have been in federal penitentiaries for a generation. Collazo was given a life sentence for an attack on Blair House, President Truman's residence in 1950 (the White House was under repair); the four others made an armed assault on Congress in 1954.

It is difficult to sympathize with anyone who tries to assassinate a President, or with commandos who suddenly blaze away at Congressmen from the visitors' gallery (the attack on Truman took place against the background of a nationalist uprising in Puerto Rico that was fiercely repressed, and the 1954 incident followed the maneuvering of our colony into "commonwealth" status). But from the beginning the five nationalists have been treated differently from other criminals, and in ways that make clear the political nature of their extraordinary status. They were tried in an atmosphere of hysteria. The average sentence for Lolita Lebrón's crime, assault with a deadly weapon, is ten years; she received five *consecutive* terms of 40 months to ten years. Her three colleagues were handled even more harshly. It might be argued that their assaults were unusually grave, since they were aimed at the representatives who embody our democracy. Admittedly, G. Gordon Liddy used weapons —bugging equipment, burglary tools and tainted cash—more subtle than machine guns. But was Watergate any less serious an attack on constitutional democracy?

During their decades in prison, mostly in maximum security facilities such as the notorious penitentiary at Marion, Ill. (see editorial, "Savage 'Cure,'" *The Nation*, January 15), the five have been constantly persecuted and harassed. Restrictions on their mail, literature and visitors have been much more severe than those imposed on other inmates.

Recently, Lolita Lebrón was allowed only twenty-four hours to attend the funeral of her daughter, though she was clearly entitled to a furlough of up to seven days. The involvement of the five in nonviolent protests for better prison conditions has consistently been punished with long periods in solitary confinement. And the most egregious violation of human rights has been the continued imprisonment of Andrés Figueroa Cordero, who has undergone two operations and is known to be dying of cancer.

There have been indications that the Bureau of Prisons would like to be rid of the five, and would be pleased to release Lolita Lebrón and Oscar Collazo, both of whom are eligible for parole. But the five, refusing to recognize the legitimacy of their trial and conviction by the American Government, will not sign a request for parole, nor for a pardon. They demand unconditional release by means of a commutation of sentence like the one granted Liddy. It is hard to imagine why it should not be granted. The five have certainly paid a heavy debt to society, and are now—as they have been all along—suffering less for the deeds they performed than for beliefs they hold. On the day Liddy emerges from his easygoing prison camp at Allenwood, Pa., President Carter could strike a real blow for fairness by releasing the Puerto Ricans.

## Going Like 60

President Mobutu Sese Seko, our beleaguered client in Zaire, appears to have the number 60 on his mind. In fact he seems obsessed by those digits.

First, there's the matter of the maximum stature of a Pygmy. Anthropologists put it at 60 inches. Mobutu has mobilized, if that's the word, a proliferation of Pygmies, some five times 60 of the little men, to beat back the alleged invaders from abroad. With their bows, and



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arrows tipped with poison, these warriors from the rain forests seem to be having a hard time sweating it out in the open country of Shaba province.

Then there's the spectacle Mobutu put on in his 20th of May Stadium in Kinshasa, where once the American boxer Muhammad Ali fought for a large prize. Mobuto gathered 60,000 of his subjects there to see two wounded prisoners captured in the skirmishes that pass for battles in this mini-war. These two sad characters were paraded before the multitude to prove that Communist foreigners, mainly Cubans, had trained and inspired them for the "invasion." The evidence for that is most dubious, but never mind; it was a good show.

Finally, Mobutu demanded from the United States of America $60,000 worth of Coca-Cola (16,000 cases) to refresh his front-line troops. That was a shrewd move. Mobutu surely knows that both Coke and President Carter hail from Georgia. He undoubtedly figured that, next to peanuts, Carter has a warm spot for Coke. It has an American, even a Southern American, tang to it, that request.

Sad to report, the U.S. Government turned down the request for aid in the form of canned Coke. It told Mobutu he could buy his soda pop on the free market (and he did). As a purely military matter, one may question Mobutu's judgment on this item of resupply. Though he has a Coca-Cola bottling plant in Kinshasa, he feared that the bottles might break en route to the front lines, whereas the cans would not. But given the nature of that "war," might not broken bottles have proven handy, as in a barroom brawl?

The interesting thing about the Zaire "war" is the coolness with which it is regarded in Washington. Our government has sent noncombat supplies but no weapons. It has allowed surrogates (mainly the French and their Moroccan clients) to beef up the pathetic Zairian armed forces. In every way possible, except by saying so out loud, the administration has shown that it doesn't take the doings in Shaba seriously. It seems to believe Castro's brother Raúl when he says that Havana first heard of the "war" out there when he read about it in the papers. It apparently thinks that the whole stir is a result of tribal turmoil among the remnants of the late Möise Tshombe's supporters.

All this must shock Henry Kissinger and neo-cold warriors like Senator Moynihan. Washington is losing a chance to show up world communism's machinations in the Dark Continent. Moscow somehow *must* be behind those bedraggled invaders. We've grown soft on Angolans.

Perhaps the best way to end the nonsense in Zaire is for the United States to make a 60,000 shipment of Ping-Pong balls. That would please the Chinese at least, and they agree with Kissinger that Moscow is up to no good along the Congo.

## How's Your New Chevrobile?

It seems there was some lapse of attention out in the back-yard barn where General Motors puts together its automobiles. A couple of the mechanics got mixed up and reached into the wrong bin where the engines are kept. These characters absent-mindedly stuck Chevrolet engines into cars labeled Buick, Oldsmobile and Pontiac. It was a most unfortunate accident because, before the busy foreman caught up with the mistake of the feckless hands, quite a few of these hybrids had been sold and were out there on the road guzzling away.

General Motors is sorry about the mistake, of course. It means to set things right for the buyers who thought they were driving Buicks, Olds or Pontiacs and instead were tooling around in vehicles that should have been called things like Bevrolets, Chontiacs or Chevrobiles, as yet unregistered trademarks.

Now we have to get back to the brute facts, unfortunately, and do a little numerical escalating. Some 128,000 of these descendants of Dr. Doolittle's pushmi-pullyus have been palmed off on unsuspecting buyers in the first six months of the 1977 model year. And, of course, faced with lawsuits by thousands of owners who now discover they are driving something less than a Detroit thoroughbred, G.M. is proposing to make restitution.

The head of the Consumer Frauds and Protection offices of the New York Attorney General calls the deal with G.M. resulting from its action "the most significant agreement in the area of consumer protection law in the history of New York State." G.M.'s tab in this fraud will come to several million dollars. What the victims of G.M.'s little error can do is turn in their hybrids for the real thing, paying a bargain 8¢ a mile for what's on the odometer, or get a mechanical-performance insurance policy if they've fallen in love with their G.M. mules.

General Motors is not exactly contrite about its behavior. Its president, a Mr. Estes, has quite brazenly declared that, when it comes to engines, his company will go on doing what comes naturally. In classic corporate bureaucratese he put it this way: "Interchange of engines across a number of our product lines is not new to General Motors or the automobile industry. And it will continue and even grow at G.M., partly because of the need to meet tightening government standards on emissions and fuel economy." We leave it to our readers to figure out the logic of that threat. (Does it mean that the company will go on making for promotion purposes engines that don't meet legal standards but will legalize the cars themselves, so to speak, by palming off lesser engines even on the regal Cadillac?)

There's a kind of absent-minded quality about G.M.'s reaction to this episode. It's the kind of pinprick that hardly bothers a giant. And, as everyone knows, G.M. is truly gigantic. Its annual sales are fifteen times larger than the gross national product of Zaire, for instance, a country with a population of 26 million. Its profits in 1975 fell between the GNPs of Ireland and Israel (though it is worth noting that the Shah's outfit, National Iranian Oil, with profits of $17 billion, beat G.M. in that area by a factor of 7).

We dwell on this story of corporate cynicism because the willingness of this behemoth to switch engines on its customers tells so much about the difficulty, if not impossibility, of bringing these titans of the economy to heel. They could and should be broken up, if the "enterprise" system is to continue. But where is the will to do the job? Certainly not in the stripped arsenal of antitrust laws.



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THE COUP THAT FAILED

# INDIRA WAS WILLING

**ROBERT MANOFF**

*New Delhi*

The last days of Indira Gandhi's government were marked by her repeated efforts to suspend the constitution, cancel the elections and declare martial law, according to political and military sources I have consulted in New Delhi. All that came between Mrs. Gandhi and the abrogation of the 1977 elections, along with the extinction of the last flicker of Indian democracy, was a handful of men who understood the country's mood and refused to yield more than they had already to the last Viceroy of the Congress Raj.

The first among them was President Fakhruddin Ali Ahmed, who was approached on the night of February 10, sources say. Ahmed had proved pliant before, on June 25, 1975, when he had signed the proclamation of emergency prepared by Mrs. Gandhi, before it had received the Cabinet approval that was required by the Constitution.

On February 6 of this year, six weeks before the election, the President left on an eleven-day state visit to Malaysia, the Philippines and Burma. Two days later, however, he suffered a minor heart attack—described officially as an "indisposition"—and canceled the rest of his trip, departing for New Delhi two days later. On his arrival at the airport he ignored medical advice and presented a spectacle of exaggerated normalcy, "getting down from the aircraft with firm step, looking quite cheerful . . . shaking hands with almost everyone," as the staunchly pro-government daily, *The Hindu,* reported the scene.

Later that evening, according to numerous reliable accounts, Mrs. Gandhi confronted the President at his official residence with the demand that he exercise his powers under the state of emergency and suspend portions of the Constitution. The suspension of the requirement that the Parliament's lower chamber vote interim appropriations for the next fiscal year by March 31, which was among the things Mrs. Gandhi sought, would have paved the way for the cancellation of the March 16th elections and a permanent Parliamentary adjournment. A "lawful" means was being sought to suspend the Constitution.

President Ahmed refused to cooperate, it is widely believed here, and after a violent argument Mrs. Gandhi left. Later that morning, shortly before 6 A.M., the President suffered a severe heart attack and collapsed on his bathroom floor, dying three hours later, after another attack, according to the official government report which was silent on the night's other events.

Within hours, knowledgeable New Delhi political circles were discussing what had happened, and Indira Gandhi found it necessary to deny publicly that President Ahmed had threatened to resign because of his opposition to the state of emergency. That may well have been true, it is said here, since the two leaders did not discuss the emergency, as such, but its use to subvert the Constitution.

Having failed to move the head of state, the thrust of Mrs. Gandhi's initiatives became more direct as her election prospects dimmed. Between March 5 and 7, according to a prominent political official, the minister of law, Mr. H.R. Gokhale, ran "exercises" at his ministry to develop a legal strategy for using the Constitution to call off the elections. Mr. Gokhale, who is widely credited with having done the legal work for Mrs. Gandhi that led to the declaration of a state of emergency, directed his officials and colleagues in a systematic review of the legal options available to the Prime Minister.

In the last analysis, however, the legal façade had to be supported by force, and here Mrs. Gandhi had two options, both of which she attempted to exercise. Over the years she had built up a series of military organizations parallel to the country's regular services and, she hoped, more responsive to her political needs. By early March three of these—the Border Security Force, the Central Reserve Police and the Strategic Services Division (her Counter-Coup Intelligence Unit)—had established a control center in the south bloc of the central government's ministerial complex in New Delhi. Here, amidst the Home, Defense and External Affairs Ministries, and under the instructions of the Prime Minister, plans were developed to "influence" the electoral outcome in 100 North India electoral constituencies considered vital for a Congress victory.

At about the same time Mrs. Gandhi attempted to exercise her other option by "sounding" the Army Chief of Staff Gen. T.N. Raina about deploying his forces in some of these same constituencies. He was told that public order required the presence of his forces in strength at key places in the states of Uttar Pradesh and Bihar, which together account for 139 of the lower chamber's 542 seats, and which were known to be essential for Congress success nationally.

According to sources with access to the military, General Raina refused, whereupon he was ordered by the Cabinet to deploy his forces as requested. This he gave the appearance of doing by showing evidence of such movements, but they were not systematic and, according to a long-standing member of Parliament from the north, they did not serve the Prime Minister's objectives.

The army's personal loyalty to Mrs. Gandhi had long been in question. Doubt on this score had motivated the creation of the paramilitary forces in the first place, and that action further antagonized the regulars, who found that the army was carefully kept out of New Delhi

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while paramilitary forces were garrisoned in the heart of its government center. The army's leaders, moreover, were uncomfortable with Defense Minister Bansi Lal, an intimate of the Prime Minister's son, Sanjay, and the man who had replaced the more popular Jagjivan Ram during the emergency. The army's ranks, finally, were full of men who had heard about the emergency's "excesses" from their relatives back home and were not likely to be enthusiastic about mobilizing in support of the people widely blamed for them. It was nevertheless to this army that Mrs. Gandhi had to turn in the last days of her government.

Despite her best legal efforts, the elections began as scheduled on March 16 and were to continue over four days at the country's 373,684 widely scattered polling booths. With the first results due on the evening of the 20th, any move to pre-empt the anticipated Janata victory had to come before the announcement of the results made such a move politically impossible. It was already clear that the dimensions of the Janata wave, as the landslide subsequently became known, forestalled any attempt by the Control Room Group to influence the actual voting totals in the north.

The Central Reserve Police had already been officially deployed, moving into positions from which it could intervene should public order be compromised during the election. According to well-placed informants, the Border Security Force was approached on March 19, the plan being to deploy it in and around Delhi. In a local move, the Lieutenant Governor of the Union Territory of Delhi was advised to sound out that city's police, through contacts within the Delhi administration, on their attitude toward a coordinated move to abrogate the elections. A similar overture was made to the army, according to these reports, and the Law Ministry was again approached for suggestions.

Opposition figures, who in many instances were in touch with these developments as they were occurring, took them so seriously that in some cases they packed bags and left their residences to avoid the dragnet arrests that they assumed were coming.

Then the answers came back. The Delhi administration officials are said to have replied to the effect that they were too deeply involved in the election to contemplate other activities. The people in the Law Ministry were out of ideas. Most important, the army, according to informants, "would give no assurance on how their people would react" if such a move were attempted. Under these circumstances any attempt to deploy paramilitary forces, should they have been willing, threatened chaos.

The stage was set for Mrs. Gandhi's vaunted democratic departure from office. In reality, however, it was not her republican instincts but the force of an aroused people that dictated her course. The emergency had estranged some of the most important power blocs in the country and, most of all, it had sapped the will and antagonized the intentions of those who had to be depended upon to maintain it. Where they themselves were willing, moreover, their hand was checked by pressure from below. The state of emergency, and with it Mrs. Gandhi, had succumbed to its own excesses. □

COLLUSION AT THE GAS PUMP

# 'INDEPENDENTS' THEY ARE NOT

**DAVID ZIELENZIGER**

*Baltimore*

It's not every antitrust case that has a ghost, but the one coming to trial in the United States District Court for Maryland early in May is certainly haunted. The ghost announced itself in 1968. The place was the annual convention of the Society of Independent Gasoline Marketers (SIGMA) in Chicago, where members of the so-called "independent" or "non-branded" oil companies were meeting in the shadow of their better-known competitor, the American Petroleum Institute.

The speaker—Howard Teak, SIGMA executive director—had been telling stories about the hard luck of the independents and the need for them to heed the words of the newly elected President Nixon, who told us about the little girl in Deshler, Ohio, who held up that sign saying, "Bring us together."

In the last seconds before adjournment, Teak said that, despite the problems of working in the cutthroat world of gasoline sales, he was the sort to stick things out. "I've got to stick around this world and haunt somebody," he said. "It might as well be you."

Howard Teak died in 1972 but he's kept that promise. Teak's successor at SIGMA, three oil company executives, and seven oil companies are now about to come to trial on charges that they practiced togetherness to the point of conspiring to subvert the Sherman Antitrust Act in the sale of 17 billion gallons of gas, valued at $4 billion, in the Middle Atlantic states from 1967 to 1974.

The independents' case has already established several precedents for future antitrust actions in the consumer's interest. Perhaps the most noteworthy, and the most surprising, was the April 15th decision by federal Judge C. Stanley Blair to reject *nolo contendere* pleas by six of the defendant companies and SIGMA.

The seven companies under indictment are Amerada Hess Corp., Ashland Oil Co., Continental Oil Co., Crown Central Petroleum Corp., Kayo Oil Co., Meadville Corp.

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and Petroleum Marketing Corp. SIGMA and all the companies except Crown had quietly changed their pleas in the preceding two weeks, citing judicial efficiency, precedent and the relative "insignificance" of their share of the gasoline market. SIGMA gave the energy crisis as justification for industry consolidation. But none of the defendants admitted guilt, a point successfully emphasized by Rodney O. Thorson, the assistant in the Justice Department's Antitrust Division who conducted the preliminary investigation and has now been made the chief prosecutor.

In a thoroughly pro-consumer brief Thorson attacked "rich corporations" seeking to avoid the peril of Clayton Act convictions. Apparently, he struck a responsive chord. After hearing all arguments, Judge Blair ruled decisively, saying "Little would be revealed and much would be concealed" if he were to accept the plea. He added that the unwillingness to admit guilt only made a mockery of the no-contest plea. Coming from a man who was chief of staff for Maryland's one-time Governor, Spiro T. Agnew, this was a surprise.

Judge Blair, admitting that the case "will be burdensome to try," insisted that if the defendants were guilty, then "they have substantially affected the public interest." That interest, he said, mandated that the case go to the jury. Adjourning court, the judge took leave of the stunned corporate lawyers with, "Gentlemen, it looks like we're in for a long summer-time."

But if the public interest triumphs in this case, credit for the victory won't really belong to the Department of Justice. "Rather," federal Judge Alexander Harvey II wrote in an opinion issued February 17, "it was this private litigation which apparently led to an investigation by the federal government of price-fixing activities. . . ." Judge Harvey on that day had awarded four Baltimore metropolitan area dealers for Crown Central Petroleum a collective total of $434,310 and their lawyers $200,000 as the last act in a civil, class-action suit that had begun almost four years earlier. Theirs was the private litigation to which he referred.

The four dealers, operating as "gas and go" stations under leasing agreements with Crown, had all noticed that every time a neighboring station of one of the petroleum "majors" raised prices, a flood of telephone instructions to follow suit would issue from Crown management. They were losing any sort of competitive advantage, any chance to make a buck in a tough industry. The dealers, first of whom was John T. Phillips Jr., also said that Crown was illegally restraining them from selling other-than-Crown brands of motor oil and merchandise supplied by vending machine companies that had not made special deals with Crown's president, Henry Rosenberg.

Until this suit uncovered the facts, it had always been thought that the independent oil companies did their bit to keep the petroleum "majors" relatively honest. Fred C. Allvine, Georgia Tech professor of business and an expert on marketing, wrote of them: "Without the continuous pressure of actual or potential price cuts by the private branders, there is considerable likelihood that distribution margins would begin to creep upward, given that generally benign character of the horizontal checks between the major brands. . . . Their competitive significance, therefore, extends much beyond their quantitative importance in terms of market share and profitability."

At the end of the trial, held in November 1974, Judge Harvey found Crown guilty of horizontal and vertical price fixing and issued a statement of facts that showed cartel-like behavior by the oil firm, a system of price hikes seemingly coordinated with the rest of the oil industry, the use of ex-Marines and the Crown president himself to enforce management decisions by making threats to Phillips and the others, and a general pattern of activity that was clearly not in the consumer's interest. The Judge noted that Maryland had been free of gasoline price wars from March 1970. "Crown's acts have contributed to the artificial stabilization of the Maryland market," he declared.

The testimony, the convictions and the Judge's findings all attracted the attention of Thomas E. Kauper, then the Assistant Attorney General in the Justice Department's Antitrust Division. In late November 1974, a grand jury was sworn in in Baltimore. Eighteen months, thirty-one hearing days, fifty-six witnesses and 4,655 pages of documents later, the ghost of Howard Teak materialized.

On June 1, 1976, the grand jury charged that SIGMA had been used as a "clearinghouse" for distributing gas-pricing information, "in order to conceal price increases, and eliminate discounts, and settle pricing disputes" in the sale of gasoline in New York, New Jersey, Pennsylvania, Delaware, Maryland, the District of Columbia and Virginia. The grand jury indicted SIGMA's executive director, Robert R. Cavin; Charles J. Luellen, a group vice president of Ashland Oil Co., and W.H. Burnap, an executive vice president of Continental Oil Co. (Since then, Burnap has been fired by his employer.) But as part of the continuing conspiracy, the grand jury alleged that SIGMA and Crown had several co-conspirators and listed the names under which they retail gas to consumers: Amerada Hess (Hess); Ashland (Red Head, Payless, Bi-Lo, Hi-Fy, Rotary); Continental (Conoco) and its subsidiary, Kayo Oil Co. (Kayo); Meadville Corp. (Merit, Saveway, Martin), and Petroleum Marketing Corp. (Scot).

Since then, as might be expected, lawyers for the defendants have inundated the team of prosecutors working under the direction of Rodney Thorson with allegations of improprieties, conflicts and lack of jurisdiction to bring the indictments.

The defendants' charges range from several cases in which the United States Attorney for Maryland, Jervis S. Finney, is accused of failing to prosecute two witnesses for admitted perjury in the Phillips case, a similar lack of action after a "shakedown" call allegedly made to Crown, a quarrel over immunity said to have been granted to Cavin, and the use (or, perhaps, the nonuse) of the remarks of Howard Teak to the 1968 SIGMA conclave.



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These charges are now part of the court file, along with other extensive grand jury testimony handed the defendants by the prosecution. Since the defendants have used as exhibits only what they think makes the government look bad, one wonders what Thorson will use when the case comes to trial.

Blair, the federal judge assigned to the case, has slowly waded through the thousands of pages of motions and begun to dispose of the arguments. Before being confronted with the *nolo contendere* pleas, he had refused to dismiss the indictments or to grant the defendants a specific bill of particulars that would have made Thorson specify every single phone call that was used to extend the alleged conspiracy. He denied motions by one of Cavin's lawyers, former Watergate prosecutor Terry F. Lenzner, that his indictment was invalid because Cavin had been "euchred" for his testimony by a promise of immunity made to him and his assistant, who testified before the grand jury.

In an opinion that might best sum up the pretrial aspects of the case, Judge Blair concluded: "This is not a case where the defendants may claim ignorance of the facts. It is reasonably clear from the record that this case involves not so much a dispute as to *what* may have occurred, but rather a dispute over the legal ramifications of those occurrences."

According to the files of the case, which are public, those occurrences involve the independents in OPEC-like, arbitrary decisions to raise prices and an immediate response at stations throughout their marketing territory. "The general method was that you would agree on a specific day on a shift change," John W. Chandler, a former Kayo president, testified under a grant of immunity. "Whoever was the coordinator would try to contact all the principals in that market area, because if you didn't get a majority of the people committed, then your price move would fail.

"SIGMA was instrumental in many, many moves upward. You just didn't voluntarily raise your price without some commitment from your competitors, so you had to have a commitment from your competitors that they were willing to restore the price back to normal." In industry jargon, he and others explained, "restore" is a euphemism for "hike."

The former executive testified that SIGMA maintained a telephone squad to get out the word on the price hikes, and that actual price decisions were made during frequent contacts among the competition, at dinners, on the golf course and at trade meetings. Asked by a prosecutor if there were not any policies prohibiting such agreements, Chandler replied. "As far as being told not to discuss prices, I don't recall ever having such a directive." Had he knowingly disregarded that policy? "Well, we didn't knowingly disregard it. We just never followed it."

According to a reading of testimony, given under grants of immunity by many oil company officials and their office aides who actually made the calls and typed up the new price sheets, the independents by the early 1970s had been forced to abandon their substantial undercutting of major oil company prices and stick at about 2¢ below their pump prices. One witness, a former executive, called that level a "God-given" right. But when the majors "restored" prices, SIGMA would send out word to follow suit. The defendants chipped in $500 every six months to reimburse SIGMA for its work as clearinghouse and police officer.

Other witnesses said that there were usually pre-hike phone conversations among the top-ranking marketing officers to set the prices, or to iron out difficulties when someone tried to hold out. Then pressure of the roughest sort was exerted on the recalcitrant dealer. When decisions were made, SIGMA went into action quickly, and the former aide to Cavin told how he had been ordered to make a series of calls that related to just one round of hikes. Telephone company records indicated that he had called Hess seven times, Crown three times, PMC twice, Kayo nine times, Meadville four times and Ashland six times.

Prices could go up in twenty minutes, one nonindicted Midway Oil Co. official testified. If, as sometimes happened, a station owner asked for a day or two delay, a local district manager would himself drive out and post the new prices. In one instance, cited by Judge Harvey in the findings from the Phillips case, the president of Crown drove out to the station of one Baltimore dealer who was resisting and asked, "What's the matter with you?" before posting the new price himself. That night, the dealer found he had an unsatisfactory recommendation in his company files. Other dealers testified that they feared for their leases, their employees, and sometimes their safety if they refused to go along.

One of the more incriminating items now in the record is the Howard Teak tape. It was made by George Spencer, editor and publisher of *U.S. Oil Week,* who had left his recorder running at the SIGMA convention so that he could attend the American Petroleum Institute meeting. Spencer found that he had recorded the remarks of Teak and those of Gregg Pottvin, counsel for the House Select Subcommittee on Small Business, who later became SIGMA's counsel.

In an affidavit filed in court and also in an interview, Spencer said that he was so shocked by what he heard on the tapes that he turned it over for review to John H. Waters, then an Assistant Attorney General in the Antitrust Division. In an affidavit filed in court, Waters swore that he never played the tape because he was too busy with other matters in 1969 and that he had no recollection of ever receiving it. Thorson, in another affidavit, swore that the tape was found in the Justice Department files long after the indictments came down and only when the defendants had brought it to his attention.

The independents know that the tape is a time bomb. They even submitted an affidavit from Professor Allvine saying that, although Justice knew of SIGMA's anti-competitive practices years ago, it was his understanding that the tape had been played and Teak told that he and SIGMA were "cleared."

In addition to citing the Nixon example of "bringing us together," Teak advised his SIGMA colleagues to follow the golden rule for making money. "In other words,"



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the transcript says, "do unto others as you'd have them do unto you. And I think if we can accomplish that, we'll eliminate some of our nicer problems, but we might come up with another ailment which would be, I think, one that would give us a little pain—a double hernia from taking our money to the bank."

Teak said that SIGMA could handle problems in forty-five states and Washington, D.C. when it came to oil prices, but said everything hinged on unity. "With a little bit of cooperation, we can accomplish a heck of a lot more. Not that we're afraid to work, it's that we get involved in some job or other or some market that has been deliberately torpedoed. We get involved to an extent that we don't have time to resurrect and restore a normal market in a normal area."

Sometimes, Teak said, dealers could cause problems for themselves and for the industry. The only cure was "straightening out the damn things. But if we get too many of them we're going to let some of them get away from us. So let's hold them to a minimum if we possibly can."

In what is perhaps the most blatant forecast of what actually happened, Teak suggested to his listeners: "Now maybe some other people have some various suggestions, and so help me Christ, when these guys—I'm one of the old school—when the majors restore to normal even though it's an advance of only 1¢ or 2¢, I'd like to take advantage of it and not feel like this gentleman did who says, what the hell, you're not doing us any favors."

Besides the tape issue, one side issue remaining to be disposed of at trial involves alleged perjury by one of the Phillips case plaintiffs, C. Frank Tumminello. In files and excerpts from his grand jury appearances, the government conceded that he perjured himself by testifying that he had refused to post a new gas price when, in fact, he had. Crown, naturally, contends that his "perjury" colors all of his testimony about Crown and that it cannot possibly be indicted. The file is filled with letters from Crown to U.S. Attorney Finney demanding an indictment for perjury, with Finney contending that other criminal matters stand in the way.

The government introduced an exchange with Tumminello before the grand jury on the day the indictments were to be voted on. After admitting that he had not changed a shift sheet as he had testified, that he had not attended a Pennsylvania teachers college as he had claimed on his application to "impress" Crown, and that he hoped the grand jury would believe the rest of the testimony, Tumminello explained: "In going into this trial, I felt that Crown, you know, was telling all kinds of lies, what have you, and I felt that I had to make my case as strong as I possibly could." Misleading a grand jury is no trivial matter; still, it's hard to be completely unsympathetic to a dealer who, with three other dealers, took on a company, and who has said that only when he called up the late Sen. Philip A. Hart (D., Mich.) to tell him what was happening did he feel anyone really cared.

Most of the other briefs in the file deal with peripheral issues, not the substantive issues charged. Another grand jury in Atlanta is reported to be investigating similar charges against the same firms and others in the Southeast, and indictments may be expected.

No matter what the outcome, the public can now see that it has been long deluded about the structure of the independent oil marketers. The Phillips case merely set in motion the process leading to the current criminal case, which in turn may lead further. As a result of Judge Harvey's ruling in the Phillips case, Crown was enjoined from continuing to fix prices. It was ordered to permit its dealers to sell items such as Quaker State Motor Oil that consumers wanted, but that management wouldn't stock. Now that Crown and its immediate competitors are in court on the same charges of criminal conspiracy and the Justice Department appears to hold the high cards, consumers in the Middle Atlantic states may be in line for a better deal. But the defendants in the present trial represent only a relatively small proportion of the domestic gasoline industry. Perhaps we should be on the lookout for ghostly companions of Howard Teak who may be haunting some of their major competitors among the Seven Sisters. □

DIPLOMACY OF THE POSSIBLE

# The Pragmatism of Human Rights

**MICHAEL REISMAN**

The country's commitment to human rights, President Carter said at his inauguration, "must be absolute." Unqualified assertions of that sort have acquired a special meaning in the annals of American political rhetoric and are not to be used or taken lightly. Twelve years earlier, similar words—"Extremism in the defense of liberty"—accelerated Barry Goldwater's rush to defeat; and the link between John Kennedy's "Pay any price" speech of 1960 and our involvement in Vietnam is still painful. Was the real Carter stepping forward?

A promise to do "all we can to protect human rights" would have been more in keeping with the image of humility and subdued realism the President carefully cultivated during his campaign. The vow of absolutism may have reflected spiritual zeal, but it is as probable that it expressed an audacious political genius: even after Vietnam, he speculated, Americans would still resonate to calls to a crusade.

As it turned out, Mr. Carter carefully withdrew from the "absolute" position in his February 8th press conference, but he has hardly withdrawn from human rights. After only three months, it is clear that HRD or human



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rights diplomacy will be more prominent and dramatic under this administration than it has been in the past. But *what* will it be? Evangelical style, political gambits, crusading wars, or the beginning of a truly effective international program? Whatever the mix of Mr. Carter's objectives, much will depend on circumstance, the special features of world politics and the complex operations and aims of our own government.

In the early postwar period, we were a leader of the United Nations' human rights program, a strong supporter of the Genocide Resolution and a key architect of the Universal Declaration of Human Rights. Then John Foster Dulles, who paradoxically had supported human rights before he took office, ended U.S. support of further conventions and covenants. Gradually, human rights were discredited in U.S. thinking; indeed, during the crackpot realism and *machismo* of the Nixon administration, it became almost a subversive activity. If you complained about the violation of human rights in Biafra, Bangladesh or Vietnam, you weren't necessarily pink, but you were yellow and lacked the guts for high office. Insofar as we had an HRD, it came from Congress and was opposed by the Executive.

With his U.N. speech of March 17, Mr. Carter has recommitted the United States to the international program and to the treaty and covenant route. His more practical suggestions seem less consequential. Invigorating the Human Rights Commission as a means of implementation holds limited promise. Human rights are violated by governments, and since the commission is composed of governmental representatives—subject to recall if they deviate from instructions, as Brady Tyson ruefully learned—its judges are sometimes as tainted as its defendants. The commission has been selectively capricious and politically ineffective as a champion of human rights. International action is certainly important and smaller states can usually take no other. But for a superpower, a real commitment to human rights will frequently involve individual action as well as participation in international programs.

This throws us back into our own political process, where Mr. Carter will discover that HRD is not limited to certain key issues like ratifying treaties. It is pervasive, for there are human rights dimensions to every choice. In addition, he will quickly learn that, though he can write his own speeches, HRD is an act a lot of people want to get into. Defense and Treasury have tended to be cool to idealistic programs which debit our balance of trade or balance of power. Congress has been increasingly disposed to investigate violations and condition foreign aid grants on good behavior. Pressure and interest groups—on the clerical, temporal and ethnic sides—have become more militant in their objectives and more sophisticated in their methods. President Carter captures almost all of these contradictory tendencies in his own personality. Where contradictions lead to political paralysis, strong words often become an expedient catharsis.

Words about human rights do perform a function. The making of law is not a unitary act, but involves the continuous shaping and sustaining of attitudes about certain types of behavior and the demands for their implementation. Thus Mr. Carter's speeches on human rights and his selective protests of violations may keep public attention focused on the norms and thereby reinforce them.

But at a certain point belief in the norms will begin to wane if persistent violations do not stimulate action. HRD must have a practical political side, which means getting others to do what you want by promising rewards and threatening punishments. In national politics, governments usually reward or punish their people. In international politics, they do it to one another. When the United States really wants something, it gives or withholds diplomatic support, trade advantages, credits, arms and money. When it doesn't want something too desperately, it talks.

Human rights *violations*, however, are not words in a debate. It is somewhat naive to think that governors disregard them because they know no better, and that a rousing sermon can get them on the right path. Persons in power violate human rights because they find it effective politics to do so. In cost-benefit terms, it's cheaper for elites to jail and torture opponents and terrorize populations than to take responsibility for failing to meet popular substantive and procedural demands.

Excluding military intervention, which is at least temporarily unthinkable, all another government can do is raise the cost of violating human rights by withholding benefits until the offender complies with minimum standards. For the United States this has meant granting foreign aid on express conditions, withholding credits or most-favored-nation status when the right of emigration was suppressed, reducing or terminating arms supplies, withdrawing troops from the defense of cruel dictatorships, and so on. Even in the best of circumstances these activities cost us something.

Sometimes the price is too high. No matter how fervent our belief in human rights, we can't protect them all the time. Like it or not, national interest sometimes obliges us to deal with and even aid gross violators. Thus HRD strategies depend on opportunity and on artful mixtures of action, bluff and ambiguity. Different parts of the world and different political contexts afford varying opportunities and limitations. The new administration has responded to this reality with a richly varied and often coolly pragmatic HRD.

*The Soviets and Eastern Europe.* Only during World War II and the Kissinger period was it deemed strategic to refrain from castigating the Soviets for violating human rights. Shortly after Mr. Carter was installed, a lower-level State Department official, who had apparently heard the inaugural address, issued an unauthorized criticism of Soviet violations. Moscow promptly protested. The White House affirmed the criticism, but the Presi-

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dent took pains on February 8 to assure the USSR that, though he would continue to criticize "when I think it's advisable," there would be no "linkages," no ties between our words and our actual behavior.

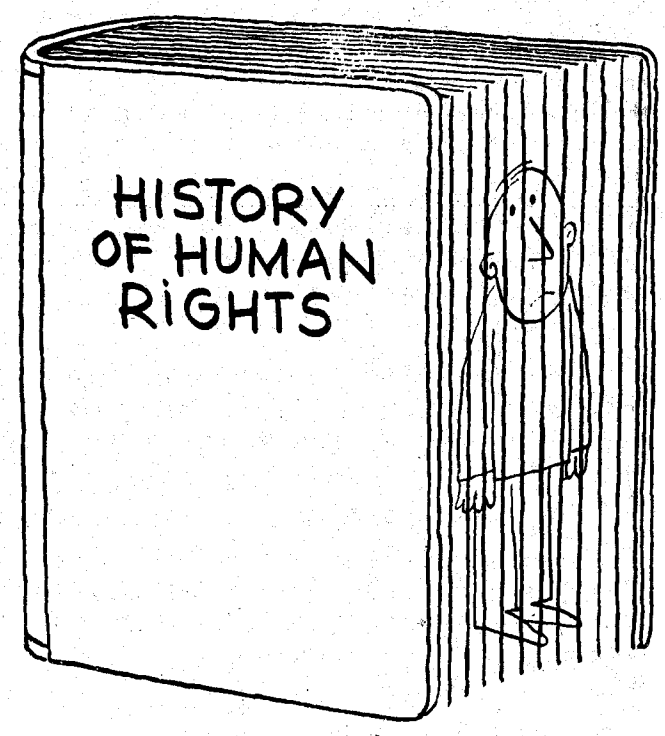
That was a crafty response: "Watch what we do, not what we say," in John Mitchell's famous phrase. It asked the Soviets to continue to negotiate matters of common interest and to dismiss the criticism as rhetoric. With the President smiling beside him, Mr. Warnke returned to this point when he was sworn in as Arms Limitation Negotiator. On the other hand, Mr. Carter reserved the privilege, which Ford and Kissinger had apparently surrendered, of publicly criticizing Soviet violations of principles indisputably binding on them after Helsinki.

Ordinarily, Presidential fulminations against the Kremlin would have comparatively little effect, within or outside the USSR. But with the shift toward the Left in France, Italy and Spain, highly publicized human rights criticisms may weaken Soviet influence in Western European Communist parties and accelerate the emergence of genuinely national Communist parties. European "nationalization" will also tend to reduce U.S. resistance to Communist participation in key West European governments, and indeed may hasten that development.

In the most obvious sense, this is a pro-NATO strategy. But there are subtle overtones as well. If you think that the Left is, in any case, going to dominate European electoral politics, it is a good move, one that makes the inevitable palatable. If you are wary of predicting electoral politics in industrial societies, it is a risky strategy, and if you are skeptical of the newly vaunted "independence" of national Communist parties, it is reckless. In any case it is not a strategy Moscow is likely to accept quietly. In late March, Brezhnev publicly warned the administration of the costs of HRD. Secretary Vance responded that he did not think our protests should impede negotiations on SALT, trade or the Middle East.

Those who fear that Mr. Carter is endangering negotiations are wrong, for this type of HRD is a weapon and not a liability. Rather than irritating the Russians to the point of refusing SALT cooperation, it may actually goad them into promising concessions if Mr. Carter will agree to temper HRD. Ironically, the President would lose little of human rights significance by such a concession, for this sort of HRD does not win more human rights in Russia. Experience shows that, where the Soviets are concerned, incremental gains—freeing political prisoners, easing emigration, etc.—are purchased in hard bargains; we refuse them certain benefits until they comply.

The complexities of a human rights diplomacy in Eastern Europe run in other directions. Part of the President's constituency of "hyphenated Americans" presses for vigorous criticism of violations, while others, eager for closer ties and more exchanges with Eastern Europe, would prefer a muted criticism, conserving U.S. influence for selective interventions in certain types of violations or on behalf of relatives. Against these conflicting pressures, U.S. foreign policy, despite the short-lived Kissinger-Sonnenfeldt "organic" doctrine, has been generally concerned to keep alive a potential for autonomy in the satellite countries as a way of maintaining

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pressure on Moscow. One result has been great reluctance to criticize Romania, a serious violator of human rights even by Eastern European standards, because of its comparative independence of Moscow and its pro-Western tilt.

The Helsinki accords may give the President useful ways to conduct HRD in Eastern Europe. The USSR solemnly accepted the human rights standards enunciated in Part III; last year Congress established a commission to monitor violations. While Kissinger sought to block the Congressional commission, Mr. Carter may now find it a convenient way to institutionalize protests of rights violations in Eastern Europe, without engaging Executive responsibility and thereby stimulating Soviet retaliation in arms limitations talks.

*China.* One-fourth of the people of the world live under the government of the People's Republic of China. We hear of no dissenters there, probably because the Chinese have been more effective than the Russians in hiding their sins under the lumpy rug of totalitarian tranquillity. It is virtually an exercise of faith to imagine that Peking has no Gulag. To date, the administration has not spoken out "strongly and forcefully," as Mr. Carter promised on February 8, about human rights in China.

The real test of our human rights commitment with regard to China will concern Taiwan, and it may come quickly. The island has 16 million people and a vigorous economy. Chiang Kai-shek, having retreated there in 1949, made it the Republic of China and effectively suppressed the local populace. We supported the ROC fiction as long as it was convenient, but in 1972, Nixon and Chou En-lai signed the Shanghai Communiqué in which we virtually conceded China's claim to Taiwan and its people.



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There is every evidence that the Taiwanese do not want to be absorbed by China; for many of them the consequences would probably be grim. They look toward the United States because we are a major power in the area and have a mutual defense treaty with them. The island will not be taken by China without our agreement, and if we permit a transfer against the wishes of the Taiwanese, we will be accomplices in a mammoth violation of human rights. But that does not mean that HRD can uncritically support the Taiwanese Government of Chiang Ching-kuo, for it has systematically violated many rights. U.S. protests and threats might lead to an improvement of conditions, but condemnations must not be so sweeping as to encourage adventures by Peking.

Mr. Carter got off to a good start on this issue. During the campaign and in the course of the debates, he promised to support the freedom and independence of the Taiwanese people. But after an election, campaign promises are reweighed as administrative options. At his news conference on April 22, the President called the Shanghai Communiqué an "agreement," a word inevitably suggesting retreat. Decisions on Taiwan will be a major test of the credibility of HRD.

*"Our" Third World.* We gain friends and influence in our part of the Third World with what is often euphemistically called "foreign aid," a decision process in which Congress plays a major role. Under the outstanding leadership of Rep. Donald Fraser (D., Minn.), recent Foreign Assistance Acts have increasingly conditioned military and economic aid on compliance with norms of human rights. In several cases, persistent violators have been cut back. If the present administration is at all like its predecessors, Congress will be pressing a reluctant President to use our resources to try to punish, reform or cajole gross offenders against human rights in our part of the Third World.

Early actions in the area are promising but ambiguous. Shortly after coming into office, the administration singled out Argentina, Uruguay and Ethiopia for varying aid cutbacks, ostensibly on the ground of human rights. Politically, the country most severely punished is Ethiopia. Mr. Carter's speech to the OAS, as almost all of his ceremonial statements, included references to human rights. While there have been plenty of barbarities in Ethiopia to justfy the action, it was also a most convenient way to inform the military junta known as the Dergue, or what it has left of itself, of our dissatisfaction with its policies and external alignments. Perhaps unintentionally, it encouraged certain aristocratic forces who have been fighting the Dergue in the provinces; of course, it cheered the Eritreans and through them the Soviets. HRD in Ethiopia may emerge as an act of principle that carries an extremely high political price tag.

The administration has also spoken of troop withdrawals from Korea, within a period of years and in consultation with Japan. Though this sounds good, it may actually stretch the projected Congressional cutoff date, which is, moreover, not conditional on Japanese concurrence. Notably absent from Mr. Carter's list was Iran, a dictatorship which prior administrations have shielded from human rights criticism, claiming it vital to our global security. If that is so, our security will sooner or later be in great jeopardy, for the monarchy appears to have little chance of survival unless it changes its ways, takes account of human rights, and generates popular support.

In many ways, the administration's actions in our Third World will be the litmus test of its overall commitment to the protection of human rights. Administrations of the recent past have worn thin the words "national security," making them synonymous with "foreign policy" and trying thereby to justify support for certain violent, corrupt and unpopular governments. Sometimes one is compelled to deal with vicious and venal politicians, but the blunt fact is that in many of these countries we play a decisive role in the formation of the official elite. An indication that we disapprove of, or even intend to withdraw support from, one faction can encourage other contenders. Thus a firm communication and one or two applications might make Mr. Carter's HRD credible to our friends and rather effective. But general denunciations and official reports which show that almost everyone is guilty will dilute effectiveness. The administration's studied official silence on HRD in Iran and south Korea suggests that the pattern established under Nixon and Ford will continue under Carter: the impetus for an effective human rights policy in our Third World will continue to come from Congress.

*The Other Third World.* The Moynihan contribution to HRD is the notion that the best defense is offensiveness. Mr. Moynihan won his place at the head of our U.N. delegation by promising, in a *Commentary* article, to denounce roundly and righteously the lapses from democracy and human rights of those who criticized and voted against us. While they may be underdeveloped in other things, there is no shortage of human rights violations in the nonaligned and Eastern-aligned countries; they certainly should be scrutinized and protested. But let's choose a method that promises to work. Though the Moynihan approach was dramatic—and perhaps even advantageous to its author—there is no evidence that a single harsh law was tempered or a single political prisoner freed because of it. When William Scranton replaced Moynihan, the strategy was dropped.

It is politically reckless and morally wrong to ignore the bitter and still-fresh memories of colonialism and the identities of the former metropolitans. Consider Uganda: Africans are plainly disgusted and frightened by Idi Amin, but they are most uneasy when an American or a European says publicly what is in their own hearts. Amin may actually have been helped by Moynihan's sweeping and indiscriminate attack.

The other Third World should certainly be a target for HRD, but if the diplomacy is to succeed, the approach must be discreet and indirect. The U.S. style here should be decisive but collaborative. Where possible, we should seek to operate through international organizations in concert with other Third World governments. For example, if anti-Amin forces form a government-in-exile, we ought to seek to support it organizationally; first by having its representative seated in place of Amin's in the more technical organizations, then by supporting its



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recognition through a General Assembly resolution. We should avoid unilateral action.

If Andrew Young's African junket did succeed in forging personal links with political leaders there, the United States may find itself in an unprecedented position to press HRD indirectly but effectively in the other Third World. The choice will involve trading headlines and acclaim for quiet diplomacy and unsung accomplishments.

*South Africa and Rhodesia.* Racial discrimination has become a particularly intolerable and universally condemned foe of human rights. The key defendants in this crime are South Africa and Rhodesia. Both have attracted substantial Western direct investment; in both, political forces for and against change have probably polarized to the point that change will mean a drastic reduction of Western influence. Even if both countries were transformed into People's Republics, however, the loss to the West would probably be short term. Nationalization of investments would severely shake the British economy, but the export trade with Western customers would, *faute de mieux*, quickly resume.

The National Security Council's "Tar Baby Memorandum" during the Kissinger period set the stage. Essentially, we sided with the racist governments through a variety of consultation arrangements and unilateral acts. Though the United States often deprecated South African policies, it vetoed efforts to suspend or expel Pretoria from the U.N. and officially defected from the U.N.-ordered embargo on Rhodesia by sanctioning, in the Byrd amendment, purchase of Rhodesian chrome. The calculations seem to be that the racist regimes were not going to be dislodged; hence one had to be practical.

The collapse of Portugal's African empire in 1975 forced a belated reassessment of policy. Mr. Kissinger sought to lay a moderate black veneer over continued white control of the Rhodesian infrastructure. This arrangement promised symbolic movement for black Africa, stability in Rhodesia and some advance for the blacks there, security in South Africa and protection of Western investments in both countries. The strategy seems to have failed. Meanwhile, Bantu unrest in South Africa has stimulated even more white repression and more international demands for remedies. Mr. Carter may soon be forced to do something on this human rights front.

There are positive developments. The Byrd amendment has been repealed, though its demoralizing effect on sanctions cannot be undone. The President has denounced the Smith government in Rhodesia as illegal and criticized South Africa. All these moves seem to promise a bold and radically different course of U.S. action.

Given the conflicting idealistic and pragmatic demands of our own political process, the demands of our NATO partners, our desire to reduce the presence of Cubans in Angola and Mozambique, and deteriorating situations in other parts of the continent, the administration may find it difficult to follow through in the way it has begun. As in the past, Mr. Carter may discover that it is more economical to be verbal and symbolic in southern Africa, with "action" limited to U.N. programs whose strength we dilute as the price of our participation. At the U.N., Mr. Young may be permitted to "speak his mind," with low-key disavowals from the State Department when he deviates from official policy.

If we choose a strategy of inaction, we will, in effect, be helping the regime in Pretoria. That would promise no succor to the black peoples of southern Africa and only postpone a day of terrible reckoning.

For a new President, especially one who has gained the office from outside the party structure, this is a time of constituency building, of devising a set of symbols which mobilize the greatest support and stimulate the least resistance. At first glance, the defense of human rights seems an uncannily clever issue on which to build a political image. Who can possibly be against it? It convokes our own righteousness and altruism in ways particularly soothing after Vietnam, casts a different light on the CIA and directs attention away from economic and even human rights problems at home.

But words about human rights have their costs. They create in constituencies expectations that will demand fulfillment and they arouse the anger and even retaliation of those governments held up as violators of human dignity. Whether he knows it or not, Mr. Carter has chosen a difficult and treacherous field.

In 1964, the American electorate indicated that extremism in the defense of anything was not a desirable Presidential trait. Despite the inaugural statement, President Carter does not emerge, either in his past roles or after three months in office, as an extremist or crusader for human rights. He has eased away from his "absolute" commitment and allowed key subordinates to speak in terms long heard at Foggy Bottom. Meanwhile, he has protested widely and rather ecumenically. His U.N. speech promises moderate national action: he will urge belated ratification of the Genocide and Racial Discrimination Conventions and the covenants. The commitment to use U.N. auspices for "investigations" and "reports" is heartening, but can be judged only in terms of actual performance.

On balance, the President's HRD record reveals, as one would expect, skill and sensitivity to his domestic political advantage; but it is good, far better than that of any of his predecessors. It has been rich in rhetoric but that is a beginning; hitherto, HRD has been weak even in rhetoric. The question now is the true depth of Carter's conviction and how it will stand against contrary political forces in our system and other tendencies in his own set of values and goals. □

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PARENT AGAINST PARENT

# THE CHILD-STEALING EPIDEMIC

**BRUCE W. MOST**

David Anderson doesn't sleep well at night. He says he sees strangers in cars prowling his Denver, Colo. neighborhood. "I'm worried that the kids will be stolen again," he confides. He has reason to worry. Two of his three children have been stolen back and forth between him and his wife half a dozen times in the past five years.

Anderson is not alone in his concern. Some authorities estimate that more than 100,000 children a year are abducted by one of their own parents. Child-stealing has become a national epidemic, and the nation's courts and legislatures are spreading the virus, a plague that one Colorado lawyer described as "positively medieval."

The National Conference of Commissioners on Uniform State Laws described what usually happens: parents who have lost custody battles grab the kids to "seek their luck in the court of a distant state, where they hope to find—and often do find—a more sympathetic ear for their plea for custody. The party deprived of the child may then resort to similar tactics to recover the child and this 'game' may continue for years, with the child thrown back and forth from state to state, never coming to rest in a single home and in one community."

The "game" often includes other players who assist the parents. In 1975, Anderson's wife, living in Virginia, hired a private detective to stake out and photograph the house in Denver where Anderson's children were staying. A few days later, she and the detectives snatched the children right out of the front yard. Last spring, three men posing as FBI agents snatched the two daughters of Pittsburgh financier Seward Prosser Mellon from their mother, who allegedly had taken them from him three months earlier.

Another potential player is the professional child-stealer, or "custody vigilante," as they prefer to be called. These include men such as Bill Ralston, founder of United Parents of Absconded Children, whose former wife abducted his two children; and "Mean Gene" Austin, a flamboyant Missourian who has helped parents snatch more than 400 children. Both men, and particularly Austin, act out of conviction: the snatches provide opportunities to publicize their stated efforts to reform the country's mishmash of custody laws.

Whatever the effects, child-stealing is usually played by both sides with the best of intentions. Parents become abductors from genuine love of their children and because they are convinced the other parent is unfit to raise them—even though the court may have ruled otherwise. (This is not to rule out the parent who steals the kids out of hostility toward the spouse.) Otherwise respectable lawyers encourage their clients to skip with the children. Larry Stotter, a San Francisco attorney and head of the American Bar Association's Section on Family Law believes that "most attorneys won't actually *tell* their client to take the kids out of state. But they will say, 'It doesn't look good in this state; maybe you would do better in another state.' " The absconding parent then goes court-shopping in a "haven state"—Florida, Iowa and Nebraska are among the most notorious—which ignores the original decree and awards custody to the abducting parent.

Unfortunately, what all these well-intentioned people fail to realize is that the children are the losers in this game. One needn't have advanced degrees in psychology to recognize that shuttling kids back and forth between parents, keeping one step ahead of the pursuing parent, shatters the emotional and educational stability that children need. Mellon had received custody of his children from a Pennsylvania court in 1974; Mrs. Mellon then snatched them and gained custody in a New York court in 1976. She had moved the children fourteen times in three months before her former husband's agents caught up with her.

"The harm done to children by their experience can hardly be overestimated," said the Commissioners on Uniform State Laws. "[A child] . . . may well be crippled for life, to his own lasting detriment and the detriment of society." Brigitte M. Bodenheimer, a University of California law professor and authority on child-stealing, concludes that a "child has the right to *one* definite, secure and continuing home, and that can only be with one parent."

Increased mobility and a skyrocketing divorce rate have certainly fostered the plague of child abductors, but any virus needs a promising environment to breed in. "This unfortunate state of affairs has been aided and facilitated rather than discouraged by the law," the commissioners bluntly wrote. "There is no statutory law in this area and the judicial law is so unsettled that it seems to offer nothing but a 'quicksand foundation' to stand on. . . . A court of one state may have awarded custody to the mother while another state decreed simultaneously that the child must go to the father. . . . They may face punishment for contempt of court and perhaps criminal charges for child-stealing in one state when complying with the decree of another."

Professor Bodenheimer blames the "sense of power and competition that sometimes prevails" among judges of different states. Dave Anderson discovered this when he went to Virginia armed with a Colorado custody decree. The local judge tossed the decree aside and declared, "We're in Virginia now."

Little wonder that a parent feels compelled—or sufficiently disillusioned—to take off with the kids, despite the fact that once the final decree is handed down in a state it is against the law (often a felony) in that state to abduct the children. "The irony is that persons who

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are good, law-abiding citizens are often driven into these tactics against their inclinations," observed the commissioners.

Child-stealing has been around as long as marriage and divorce. But its current ambiguity in the United States can be traced to 1932, when the Lindbergh Act was taking shape in an attempt to counter a rash of kidnappings. In the early drafts of the Act, kidnapping was defined as occurring when a person was "held for ransom or reward, or held for any other unlawful purpose." It was the last clause that disturbed Missouri Rep. L. C. Dyer. "There is not anybody who would want to send a parent to the penitentiary for taking possession of his or her own child, even though the order of the court was violated and it was a technical kidnapping," proclaimed Dyer. The soul of understanding, Congress expunged the offending clause. In 1934, Congress reinstated a similar clause, but specifically excluded parental kidnapping.

The exclusion stands today; it is not a federal crime to steal your own children, even if your spouse holds legal custody. However, because child-stealing (if there is a final decree), is a crime in each state, and in some of them punishable by as many as twenty years' imprisonment, the FBI can intervene once the state issues a fugitive felon warrant. But the FBI has been reluctant to do so. It considers child-stealing a "domestic matter" best left to the states. Since most states ignore one another's custody decrees and refuse to extradite—assuming that the home state or custodial parent can locate the child in the first place—there is no effective way to stop child-stealing. Arnold Miller, whose former wife disappeared with their son, is the head of Children's Rights, Inc., of Washington, D.C. He says: "The vast, vast majority of families believe that a custody decree, once issued, can be enforced. The truth is it is not enforced; it cannot be enforced. As people become more and more aware of this situation, they're going to take advantage of it. That will continue to happen until corrective legislation can be passed."

So what is the best corrective legislation? Here the child-stealing quagmire deepens.

At the moment, the most popular approach to combatting child-stealing is the Uniform Child Custody Jurisdiction Act (UCCJA), proposed by the National Conference of Commissioners on Uniform State Laws and approved by the American Bar Association in 1968. A dozen states have implemented some version of the Act, California and Colorado among the first. In theory, it calls for the states to recognize and honor one another's custody decrees, with a few exceptions. Thus, if a father abducts his children from Colorado and petitions the courts in California for custody, California should refuse to hear the petition, and return the child and parent to the home state.

There are, however, some serious flaws in the Act. First, it applies only to cases involving final decrees. Until then, parents are assumed to have equal custody and no law is broken if one takes off with the children, even if the other has filed a custody petition. Arnold Miller claims that 60 percent of the snatchings occur *before* the final decree, thus nullifying the Act's effectiveness.

Another problem is that the Act does not provide for finding and returning the absconding parent and child. Again, Arnold Miller: "The UCCJA is based solely on the fact that you go into the court of the foreign state and apply for custody. It also implies that you're going to be very honest and tell the judge that there is an order in the first state—which is ridiculous." Miller adds that he knows of one parent who has obtained seven court decrees for his child in seven states.

The Act also assumes a great deal of "good faith" among the adopting states, since the refuge state retains the option to assume jurisdiction and hand down its own custody order. A California Department of Justice report stated that, although California adopted the Act in 1974, it "appears not to have been widely used." Colorado adopted the Act in 1973, but, Colorado Family Law Attorney Susan Wendall Whicher says that "most jurisdictions in the state are reading the law narrowly, as being limited to only valid Colorado custody orders." Out-of-state orders are being ignored.

Adoption of the Uniform Custody Act has been excruciatingly slow, which is why custody vigilantes such as Austin and Ralston, who support it, have sought as much publicity as possible for their snatches. There is general agreement that the Act is facing the same provincialism in the state courts and legislatures that encouraged so much child-stealing in the first place.

Congress has been reluctant to step into the muddle. The two bills before it concerning child-stealing have suffered as much from lack of interest as from resistance. The Moss bill, introduced by Reps. John E. Moss and Donald Edwards of California, would apply the U.S. Constitution's "full faith and credit" provision to custody orders. Criticized for being vague and unenforceable, as well as containing the major weaknesses of the UCCJA the bill has been lying in the Judiciary Committee since late 1975, and seems likely to die there.

The other bill, offered by Rep. Charles E. Bennett of Florida, would strike the "parental exception" clause from the Lindbergh Act. Ever since hearings were held on it in 1974, Bennett's bill has been pigeonholed in the Judiciary Committee's Subcommittee on Crime. But Miller of Children's Rights believes that hearings will be resumed and that the bill now has a chance of passing. An early objection to Bennett's bill—at first, he simply removed the parental exception clause, thus leaving parents open to long imprisonment—has been met part way. Bennett tacked on a maximum sentence of one year in prison and/or a $1,000 fine. Many Congressmen still feel that even with the lighter sentence a jury would be reluctant to convict a parent. But the issue of child-stealing has become clamorous in the last two years and the demand for Congressional action is unavoidable.

Miller contends: "Any person who abducts and *conceals* a child is responsible for that act. Many people think that because the child is with the parent he's safe and O.K. That is a myth. We have too many stories of children who were taken at gunpoint, children who were wrapped in blankets to muffle their screams, thrown in trunks of cars until they're safely across the state line.



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I don't think a child should have to go through that kind of trauma."

In an analysis of Bennett's bill, the Library of Congress pointed out that, because custody decrees can be modified, there could occur the anomalous situation of a parent's being convicted of kidnapping though he had since gained legal custody. And if the bill is interpreted as applying to pre-litigation abduction, then it flouts the long-held belief that "such takings are neither kidnapping nor child-stealing."

When hearings were first held on the bill the FBI strenuously opposed it; and it is expected to do so again. Deputy Assistant U.S. Attorney John C. Kenney testified in 1974 that the bill would "require the FBI to become involved in a multitude of domestic, runaway and other personal situations which frequently involve no violation of law. Even where violations are involved they should more properly be handled by local authorities."

The argument makes Miller angry: "That implies that the parent doesn't have the right to see his child or the child doesn't have the right to share his love with the parent." He is sure that parents will be much more wary of a federal law backed by the FBI than they are of the currently unenforceable state laws.

Whichever side one takes, it has become evident that some form of federal legislation that includes pre-litigation child-stealing is urgently needed. The snatching of children is rampant, with results that are sometimes tragic. Last year a 4-year-old boy and his father were killed during a car chase after the father took the boy back from his former wife. That's a horror that thousands of parents want to be spared. □

OUR PHILIPPINE BASES

# MARCOS WOULD RAISE THE ANTE

**PETER W. STANLEY**

The failure of Henry Kissinger's last-ditch attempt to buy continued use of the American naval and air bases at Subic Bay and Clark Field offers Americans a rare opportunity to reappraise our relations with the Republic of the Philippines. President Ferdinand Marcos is reported to have rejected the five-year, $1 billion pact negotiated by Kissinger and Philippine Foreign Secretary Carlos Romulo in December, because he wanted more than the $500 million in military aid it would have provided. This in itself should give us pause. The Philippines has no foreign enemies of any military significance, and there is not the remotest chance of an invasion of Philippine territory by any other nation. A cease-fire has been concluded with Moro rebels in the southern island of Mindanao. The only conceivable use for the arsenal Marcos desires is the political repression of his own people.

This raises a serious problem for the new administration. President Carter has criticized indiscriminate arms sales and promised Americans a foreign policy more sensitively attuned to morality and human rights. He has also spoken of phasing back the present forward strategy that requires bases such as Subic and Clark. For these reasons, he might see the breakdown of negotiations because of Marcos's intransigence as an opportunity to disengage from the precarious and often vicious internal politics of the Philippines.

On the other hand, Subic and Clark are among the most important of our remaining foreign bases. Not only are they large, sophisticated establishments with facilities for maintenance and repair as well as operations; they are the only significant American bases in the Western Pacific south of Japan. To withdraw from them or greatly curtail operations there would require either a major reduction in the American strategic presence in South and Southeast Asia or a truly extraordinary expenditure on new ships, planes and supply facilities to project similar force levels across much greater distances.

Nobody doubts that the United States can retain the bases and everything that is really important in their use, though certain concessions would have to be made. For example, the present formal sovereignty of the Philippines over the bases would have to be extended to full operative status, and the last vestiges of extraterritoriality ended. Larger parts of the areas might have to be made available to Filipinos for their own commercial or military uses. And a very large rent, much of it in the form of sophisticated weaponry, would have to be paid.

But at bottom, the Marcos regime needs continued American presence in the bases at least as much as the United States does. For one thing, the U.S. Department of Defense is the second largest employer in the Philippines; its withdrawal or a serious curtailment of its operations would greatly damage an already precarious economy. Then, too, if the United States should be forced to vacate its bases, it would surely retaliate by ending the many forms of direct aid it now provides the Marcos government. At present, Americans assist in arming and training the Philippine armed forces and police, carry out important rural development projects through AID, and support the crumbling credit of the Philippine Government itself in the international loan market.

The real question, then, is whether we ought to pay the price that Marcos asks. To do so would not only commit us irreparably to a repressive dictatorship but

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also open the way to our later involvement in a Philippine civil war. In return for certain very real short-term advantages, it would risk the long-term alienation of the Filipinos and the loss of our whole position in that important part of the world.

Most Filipinos have taken a wait-and-see attitude toward the Marcos dictatorship. The political system he overthrew in September 1972 was thoroughly discredited by its graft, incompetence and nepotism. Nominally representative, it was really a vehicle for the small oligarchy of wealthy families that have dominated the social, political and economic life of the Philippines —even under foreign imperial rulers—since the late 19th century. Martial law, according to Marcos, was the price that had to be paid to renovate the politics and administration of the country, reform the uses of power, and liberalize the distribution of wealth. Having almost nothing to lose, most people decided to let him try.

The reformist potential of martial law has never been realized. The showy land-reform program, now almost at a halt, is widely recognized to have been an attempt to pacify people rather than redistribute wealth. Law and order, which improved dramatically in the first years of martial law, is becoming a problem again. The same is true of bureaucratic graft and of inefficiency and favoritism in the courts. The breakup of a few large private business empires has led simply to a reconcentration of the properties in the hands of the President's friends and his wife's relatives.

This failure places the repressive aspects of martial law in a strong light. After four years, there is still no legislature (although a relatively powerless, controlled consultative body has been authorized for the future). Judges and members of the central and provincial governments serve at Presidential pleasure; the media remain government-controlled. Political prisoners still languish in military prisons without trial, and widespread use of torture is acknowledged even by the government. Amnesty International and the Association of Major Religious Superiors have charged that torture is actually a deliberate policy of the regime, not a matter of occasional excesses by men on the spot. If there is no real reform, what is all this for?

As more and more people ask that question, President Marcos finds that he needs to strengthen his position both politically and militarily. Taking a tough line toward the United States on the deal for bases serves this double need. The bases are genuinely unpopular among Filipinos, and any sign of arrogance or insensitivity toward their feelings on the part of the former imperialist rulers of the islands touches a raw nerve. By driving a hard bargain, Marcos thus strengthens his nationalist credentials and rallies popular support, even among some of his leftist critics. This is an established tactic, rooted in the colonial past, for elite politicians in the Philippines. Maintaining the "discipline of the independence movement" was then an effective way to silence criticism of the social and economic policies of nationalist leaders.

At the same time, driving a hard bargain may bring Marcos still higher levels of support from the very target of his attack, the United States Government. By rejecting Kissinger's deal with Romulo, Marcos has established the point that the next American offer will have to provide more than a mere $500,000 in arms.

If it falls for this tactic, the United States will be contributing to a polarization of Philippine social and political life that profoundly threatens its own long-term interests there. Both economically and strategically, the United States needs stability in the Philippines. This is the *sine qua non* of profitable trade and investment; and without it, the utility and reliability of the bases would be compromised. Marcos provides the illusion of stability, and that accounts for much of his international support. In fact, however, Marcos's suppression of the old Center position in Philippine politics—that occupied by men such as Benigno Aquino and Raúl Manglapus, with ties to both the Left and the Right, in Philippine terms—has created a potentially violent and highly unstable condition, in which opposition can be expressed only through the radical Left.

The United States has been down this road before. The original American commitment to Ngo Dinh Diem in South Vietnam in the late 1950s started from many similar premises. He, too, for all his flaws, was the best dictator in town: the only apparent alternative to instability and leftward drift. He, too, had on paper a program of reform and nation building. He, too, had repressed or emasculated the traditional opposition, driving its surviving remnants leftward. He, too, drew increasingly upon the United States as an external sanction to compensate for the loss of domestic support. Presumably, we have learned something from that experience.

For the moment, the initiative is in the hands of the Philippine Government. It is demanding a renegotiation of the treaty governing the bases; the United States is responding to that demand. This is part of the problem. The structure of our relationship is such that any response the United States makes will strengthen Marcos's hand in one way or another. If ever there was a situation in which the United States cast itself as "a pitiful, helpless giant," this is it.

The way out of this dilemma is to take the initiative. If we are going to be denounced as neo-imperialists anyway, we might as well try for what we really want. The declining utility of the bases and the vulnerability of Marcos's bargaining position suggest that a reasonable price for reduced, short-term use of the bases ought to be attainable without any additional American political commitment to the Marcos regime. Moreover, President Carter's posture toward Russia shows that the new administration is prepared to speak out for human rights while negotiating agreements over "hard" interests.

If use of the bases cannot be retained on rational terms, without stultifying our better principles concerning human rights, we should face that reality squarely and leave. This would be inconvenient, but not fatal, to our defense posture in the Pacific. We are going to do it anyway, sooner or later. It is at least worth considering whether to do it now, on our own terms. □



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# Auburn Dam: A Faulty Business

**HAROLD RUBIN**

On April 15, President Carter announced that construction of the Auburn Dam, about 35 miles east of Sacramento in Northern California, would be suspended pending the completion of a safety study. The dam had been on Carter's "review" list from the start, a status that caused great dissatisfaction in California's $28 billion agribusiness. Demonstrations in Sacramento on March 21 and in Washington on March 29 served notice on the new administration that the corporate farmers would not peacefully accept the loss of their dam, and Interior Secretary Cecil Andrus sent a review team to Sacramento to take pro- and anti-Auburn Dam testimony.

The Auburn Dam is one of the latest additions to the twenty Central Valley Project (CVP) dams and related canal systems that store and transport water from the northern rivers to the southlands, transforming the arid Central Valley into fertile land. It is being built by the Bureau of Reclamation in the Sierra foothills just outside Auburn, the county seat.

When completed, the graceful structure would be the world's longest double-curvature, thin-arch concrete dam, 700 feet high and 4,150 feet long. More than any of the other endangered federal projects, the Auburn Dam contains the potential for a man-made disaster for which there is no peacetime equivalent. For that reason it dramatizes the agribusiness single-minded drive for plentiful and low-cost water and symbolizes what Rep. Leo J. Ryan (D., Calif.) calls the bureau's "momentum to build."

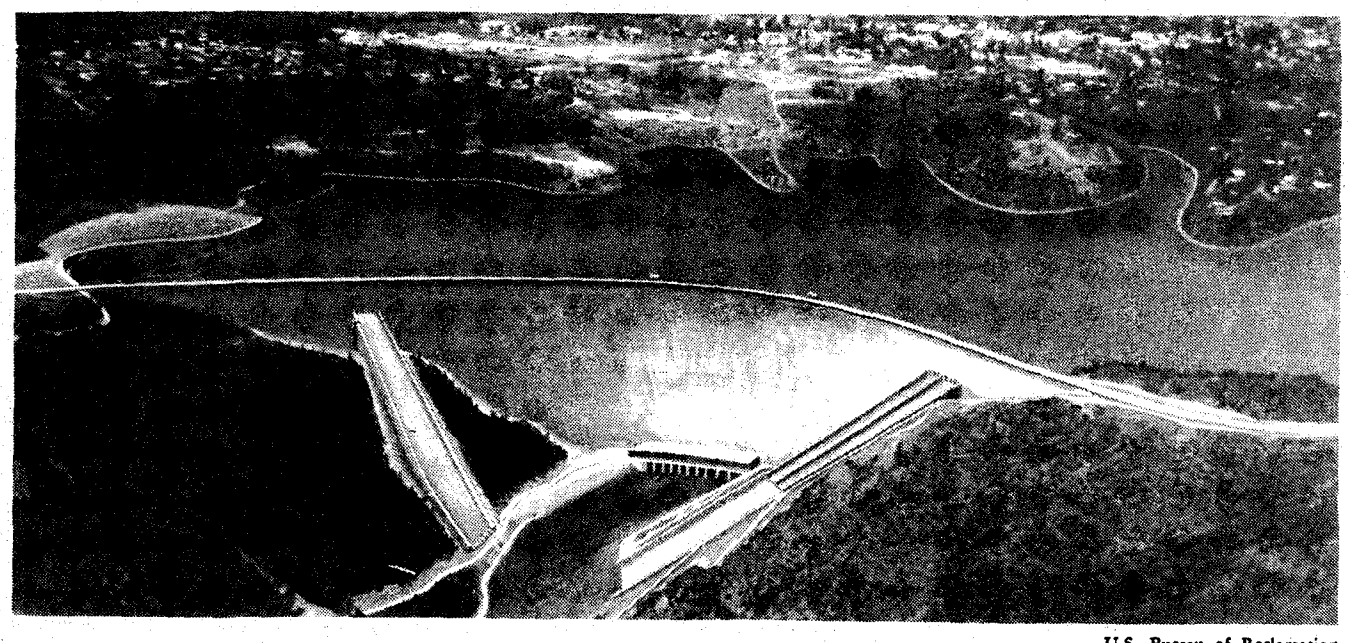
When Congress approved the $450 million Auburn Dam project in 1965, the bureau estimated that it would take about eight years to complete. But because the war in Vietnam caused a slowdown and stretchout of federally funded projects, and because there was litigation over the dam's Environmental Impact Statement, the project ran far behind schedule.

Twelve years and $200 million later, the target date for completion and filling is still about eight years off. The present cost estimate is $1.1 billion, and for the first time in its history, the bureau must contemplate the idea of putting all that dirt and rock back where it was.

Earthquake safety is the problem at the Auburn project. Seismologists, geologists and engineers have developed serious misgivings about building a concrete dam of the design selected in an area that the bureau originally believed to be seismically inactive. That belief toppled during the 5.7 Richter scale earthquake of 1975 in Oroville, Calif. Auburn was about 50 miles from the epicenter. The Seismic Hazards Committee of the Association of American Geologists has urged the bureau to make new studies before proceeding with construction in Auburn.

U.S. Geological Survey specialists have reported that high dams back up enough water to trigger earthquakes capable of damaging or destroying the dams. Their study indicates a direct relationship between the depth of water in artificial lakes behind high dams and the frequency of earthquakes in the area.

Harry Cedergren, an engineering consultant from Sacramento, warns that no other large dam lies so close to a heavily populated urban area. He describes the concrete design at Auburn as "experimental" because no thin-arch concrete dam that big has ever been built, and he points out that the 740-foot-high earth- and rock-filled dam at Oroville was not damaged by the 1975 quake. Cedergren foresees that the collapse of the Auburn



U.S. Bureau of Reclamation

*Artist's Rendering of the Proposed Dam and the Lake It Would Form. The City of Auburn Can Be Seen on the Far Bank.*



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structure would release 2.3 billion acre-feet of water, sending a 100-foot-high torrent into Sacramento. He estimates casualties at 250,000 and property damage at $50 billion.

Another expert with serious doubts is George Rouse, a structural engineer. Chief of the Bureau of Reclamation's concrete dam design branch he helped plan the Auburn facility. Since retiring about five years ago he has conducted his own studies, and he reports that the dam cannot withstand Maximum Credible Earthquake conditions for more than two or three seconds without cracking over one-fourth of its upstream face. Professional apprehension about safety was further heightened when nine scientists from the U.S. Geological Survey reported finding an active earthquake fault about a mile from and heading straight toward the north abutment of the dam.

Collapse in 1976 of the Teton Dam in Idaho raised further doubts about the bureau's expertise. Representative Ryan was chairman of the Congressional subcommittee that investigated that catastrophe. He reported: "Once a decision has been made to build, the force of the decision grows with every further decision concerning construction." He learned that neither the Bureau of Reclamation nor the Corps of Engineers could recall having ever abandoned a construction, once it was started. Said Ryan: "The bureau confirmed at every opportunity its disposition to 'engineer' a solution to any and every problem."

When it could no longer disregard the mounting criticism, the bureau in 1976 hired a Bay Area consulting firm to conduct studies of the Sierra foothill fault system. A five-man team of experts was also set up to insure that the final design would be in harmony with the consultant's recommendations. The study is expected to be completed in June.

Predictably, Congress has responded angrily to Carter's dam-building policy. In a major break with the new administration, the Senate on March 10 voted 65 to 24 to oppose review of the nineteen major water-development projects on the President's list. Thereupon, the Andrus review team was sent to Sacramento to take testimony on the Auburn project, where a classic drama was acted out in the Woodlake Inn.

Two Congressmen, seven state legislators, county supervisors, representatives of agribusiness and chambers of commerce, and labor groups were on hand to urge restoration of the dam. Among the prominent politicians in the delegation was Rep. Harold T. "Bizz" Johnson, Democrat from Placer County where the Auburn Dam is situated. He helped get the Folsom Dam below Auburn approved and has been a supporter of the Auburn Dam Committee.

Another prominent spokesman for the project was Bill Cassidy, formerly publisher of the Auburn *Journal*, who heads the Auburn Dam Committee. Since 1966, when he sold the paper, he has led the fight for continued funding. Cassidy is also vice president of Placer Savings and Loan, a countywide institution that owns large parcels of land whose value has boomed since the dam was approved.

Opponents of the dam included the Sierra Club, the Planning and Conservation League, Environmental Defense Fund, Audubon Society, and a number of local environmental groups. Long before the seismic safety issue developed they opposed the dam for environmental reasons.

Dam supporters have exerted enough pressure in California to make Gov. Jerry Brown decide that his "small is beautiful" does not apply to CVP projects, and that agribusiness and land developers need not "lower their expectations" for additional supplies of cheap and plentiful water. Sen. Alan Cranston too has backed away from his earlier environmental positions and now supports the dam. Sen. S.I. Hayakawa, it goes without saying, is for it.

The pro-dam contingent handled the seismic safety issue gingerly during the Woodlake Inn hearings. Most of them preferred to talk about the drought, contending that if the dam were now in place it would alleviate current water shortages. They stressed such dam benefits as flood control, slowdown in depletion of ground water, reduction of salt-water intrusions, increased food production, recreation, pollution-free power—and jobs.

Opponents argued that dam failure would cause a worse flood disaster than it was meant to prevent, and that Folsom Dam about 13 miles downstream from Auburn can handle any threat to Sacramento. They called for reclamation of waste water, more efficient irrigation techniques, raising of downstream levees, refilling ground water basins in wet years and drawing from them in dry. Better conservation measures rather than more dams was their theme.

At the dam site there is considerable confusion about the future. Funding for fiscal 1977 ends in September. The bureau had planned to issue specifications in June for Phase 3 construction, which is the dam itself. Bids were to be opened in November and a contract was to have been awarded in December.

Now California Department of Water Resources officials have announced that they will make independent seismic studies and reconsider the dam's design. They have urged the bureau to hold off awarding Phase 3 contracts until the studies are finished—in about six months to one year.

On March 29 the House and Senate Appropriations Committees heard testimony from opponents and proponents of the dams on Carter's list. Congress is expected to restore funding in May, with no conditions attached. Auburn Dam supporters who attended the Washington hearings returned with assurances that it no longer matters what Carter decides about the endangered projects. Funding for the Auburn Dam is certain, they announced.

The essence of their message is that, come hell or high water, California's agribusiness juggernaut will prevail. If the reverse happens, Carter's accomplishment will have a magnitude not unlike the parting of the Red Sea. Maybe a born-again Christian can bring it off. □

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# BOOKS & THE ARTS

## Our Invested Interests

THE ORIGINS OF INTERNATIONAL ECONOMIC DISORDER: A Study of United States International Monetary Policy from World War II to the Present. *By Fred L. Block. University of California Press. 282 pp. $14.*

**WILLIAM APPLEMAN WILLIAMS**

We will, I hope, be hearing much more from Professor Block, for in this first book he displays a perceptive and powerful mind and presents a cogent analysis of a complicated subject in clear and persuasive language. He set out to clarify the muddle of our contemporary political economy, and at his best he reminds one of Geoffrey Barraclough. As you finish the book, for example, you realize that Block, writing before all the recent publicity, has shown the Rockefeller-Carter concern to integrate Japan and Western Europe with the United States to be part of an imperial strategy that dates back to 1945.

Seeking to illuminate "the relationship between the United States and Western Europe" as a system of "power among nations and social classes," Block opens his analysis with an orthodox review of American efforts to stabilize the world marketplace after World War I. This is the weakest section of the book. The leaders of that era have become punching bags for almost everyone, and leftists (as well as liberals and libertarian conservatives) have allowed themselves to be carried away with the fun of it all. There is a general propensity to overlook or discount several interrelated elements in that story: the relatively small number of sophisticated leaders who recognized the difference between the position of England in the 19th century and America's situation as of 1920; the intellectually enfeebled state of economics; the deadening effect of the shock of the Mexican, Russian and Chinese revolutions; and the progressive distortion of the American political economy by the vast expansion of the automotive industry.

Be that as it may, Block's account of the policy debate that came to a head during 1943-44 (it had been going on since at least 1927) is keen and sophisticated. I am skeptical of his estimate of President Franklin D. Roosevelt, and puzzled by his neglect of people like Adolf A. Berle, but his basic analysis is subtle and perceptive. Within the shared concern about another depression or stagnation, he finds a struggle between three principal groups: orthodox conservatives, national (albeit capitalist) planners who emphasized domestic solutions, and liberal and corporate internationalists. The conservatives caused problems and delays, but the Bretton Woods Agreement symbolized the triumph of those who were committed to "an international order with a high degree of openness so that capitalists from the strongest economy [the U.S.] could take advantage of opportunities for profit in other countries."

He is likewise very good on the threat to that open system posed by various alternatives and pressures generated within Western Europe by national capitalists and leftist unions. There is implicit in his analysis a suggestion that American leaders had largely abandoned any active concern with Eastern Europe within two years after the Potsdam Conference. That is a useful point so long as it is not confused with a decline in anti-Soviet and anti-revolutionary fervor, a general indifference to Eastern Europe, or the abandonment of the hope that a revived Western Europe would erode Russian influence.

Block next reviews the top-level discussions of early 1947 that led to the Marshall Plan, demonstrating that everyone (Navy and War, as well as State) was viscerally concerned that a decline in exports "would have a depressing effect on business activity and employment," which would in turn lead to all kinds of social and political troubles. As I read this section, I was repeatedly reminded of the later and sustained effort by the Achesons, Harrimans, Rostows and Rusks (and their academic counterparts) to deny that the muck of economic reality ever intruded upon their high-minded thoughts about freedom. Block skewers them with their own marketplace language.

While acknowledging that the Marshall Plan awaits its definitive historian, Block nevertheless hammers in some important signposts to the reality of that imperial strategy. He outlines its assault on independent economic planning, and clarifies its painful costs to European workers. In doing so, Block introduces his major theme—the inherent structural crisis of the American century. For, despite the initial confidence in the Marshall Plan, serious difficulties surfaced with the recession that began late in 1948 and continued for a year.

One must laugh *and* weep when Kennan proposes (à la Benjamin Franklin) to save the day by integrating Great Britain and Canada into the United States. Whatever the merits of his proposal, Kennan never had a chance. Acheson had always used him as a movable footnote for his own imperial presuppositions, and in the winter of 1949-50 the dapper, disingenuous Secretary replaced him with a more *simpático* intellectual—Paul Nitze.

*William Appleman Williams is the author of* The Tragedy of American Diplomacy *(Dell Publishing Co.) and* The Roots of Modern American Empire *(Random House). His most recent book is* America Confronts a Revolutionary World: 1776-1976 *(William Morrow & Co.).*

SALT AND LEMON
(for Eleni Vakalo)

*Salt and lemon of your childhood*
*And stepping off the bus the smell of wet leaves in a strip*
*of dirt beside the gutter*

*I am speaking of how the world comes*
*to us if we have time*
*enough to guess it*
*or to remember*

*Or to listen with eyes closed through*
*the open window*

*How when we least*
*expect it the moths*

*are like stars*
*trembling in the fields*

*And the redwinged blackbird like flame among ashes*

*Suddenly* *On the tipped branch*

Anita Barrows



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Under Nitze's direction, the National Security Council produced its justly famous Document 68—a classic expression of late 20th-century American imperialism. I think Block underestimates the economic side of the political economy inherent in NSC-68; but, on the other hand, he quotes a letter from Acheson to Truman that lays bare the economic preoccupations (and assumptions) of everyone involved in making final decisions.

After NSC-68, it was a roller coaster of uppers and downers. If one enjoys a touch of black humor, one can see the drug culture prefigured in the political economy and in the reifications of policy makers. Block provides a beautiful summary: "The very means used to restore a multinational world economy distorted the world economy in fundamental ways." Indemic inflation became an inherent part of the perpetual world economic crisis.

Block is a thoughtful radical who understands that the cycles of the political economy do not in and of themselves create prerevolutionary situations. The issue is to employ our intelligence to expand our consciousness of the basic reality, and hence our awareness of the need for structural alternatives. He has done precisely that and I salute him. □

FISHERMAN'S MOTHER

*She scours fish,*
*steel fish, lead fish,*
*once sun, once spume,*
*once ray.*
*And thinks of him*
*once voice, once flesh,*
*now rain, now foam,*
*now spray.*

Diana Der Hovanessian

# The Unfriendly Witness

DALTON TRUMBO. *By Bruce Cook. Charles Scribner's Sons. 343 pp. $12.50.*

**MAURICE RAPF**

As one who grew up in Hollywood and has worked in and around the movie industry all my life, I have been both gratified and overwhelmed by the deluge of books about that business which elitists call the "cinema." It comes as something of a surprise, therefore, to realize that Bruce Cook's biography of Dalton Trumbo is, so far as I know, the first serious attempt to deal with the life of a successful professional screen writer. Whether Mr. Cook, a former film critic for *The National Observer* and currently book columnist for the *Saturday Review*, meant to be so innovative is doubtful. Since Trumbo is more interesting as a foe of the Hollywood blacklist than as a professional screen writer, Cook has hedged his bets with the subtitle on the dust cover, "A biography of the Oscar-winning screen writer who broke the Hollywood blacklist." If readers, even film bluffs, have no interest in the forgotten men and women who write movies, they are fascinated by the heroes and villains of what Lillian Hellman has called "scoundrel time." Trumbo was one of the heroes. He was the most articulate of the "Hollywood 10" who were sent to prison in 1950, and later, to subvert the blacklist, he organized the most prolific sub rosa writing operation since Alexandre Dumas, the elder.

Nevertheless as a screen writer, Trumbo turned out movie scripts for nearly forty years, and it is impossible for his biographer to tell his story without shedding some light on the nature of his unique and much misunderstood profession. In the movie colony it is not possible to separate a man's work from his personal or political life. Hollywood is, or *was* when Trumbo got his start, a company town. Writers were hired to perform the first step on an assembly line of mass production. In its heyday a big studio like MGM had as many as 175 writers on its payroll. Some had long-term contracts with short-term renewal clauses that could be exercised at the employer's option; others worked by the week and could be fired on a day's notice. There were more than 1,000 writers available for a maximum of 500 jobs. Salaries ranged from $50 to $3,500 a week but, except for the status symbol of an office with a couch or an extra chair or two, the junior writer and the famed Broadway playwright worked side by side in a barrackslike building known as "writers' row."

When Trumbo graduated from reader to contract writer at Warner Brothers in 1935, the CIO was organizing the unorganized in basic industries. The Screen Writers Guild (which Trumbo joined as soon as he was eligible) made its move for recognition by proposing an affiliation with the Authors League of America and threatening, with the support of that national organization, to cut off the sale of literary material to the studios if its demands were not met. Studio chiefs denounced the Guild proposal as a plot to turn over control of the industry to Eastern Reds. (I attended a session in Irving Thalberg's projection room where the MGM boy wonder sternly warned us not to bite the hand that fed us.) There were threats of reprisals for disloyalty, and Jack L. Warner is reputed to have said, "Who needs a blacklist? I can use a phone."

The result was that arch conservatives and nervous Nellies in the Guild sought a postponement of formal Guild action and, when they succeeded in getting it ("in the interest of Guild unity"), their leaders resigned, formed a new writers' organization (the Screen Playwrights) which was promptly recognized by the bosses. In a matter of weeks the old Guild fell apart and some who refused to abandon ship, Trumbo among them, found themselves out of work. (Cook points out, correctly, that the leaders of the company union later became the nucleus of the Motion Picture Alliance for the Preservation of American Ideals which he describes somewhat hyperbolically as "the vigilante organization that provided the House Committee on Un-American Activities with most of its 'friendly' witnesses and went on to maintain and police the blacklist that emerged.")

This, then, was the setting in which Trumbo began his career as a Hollywood writer. But the Guild struggle for recognition—ultimately won in an NLRB election in 1937—was just one of the many hot issues dividing the movie colony. Hollywood's prestige made it a focal point for organizers of progressive causes; some of the organizers were, although they did not advertise it, members of the Communist Party. For the majority of liberals in the industry, the issue was not whether one should be anti-Fascist, anti-Nazi, pro-Spanish Loyalist or in favor of a boycott of Japanese goods, so much as it was whether Hollywood luminaries should openly take controversial positions. Despite studio objections—and to their everlasting credit—a great many celebrities spoke up, and much of what they had to say in public was prepared for them by writers like Trumbo. The fact that he was aligned with many people whom he later discovered to be Communists made it inevitable that he would be asked to

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join the Communist Party. In 1943, he did. Four years later at the Washington hearings he asserted his constitutional right of political privacy, a stand he would have taken, I'm sure, if he had never joined the party at all.

The subsequent story of the blacklist years—1947 to 1960—has been told many times and Trumbo is always a key figure in it. He wrote speeches, pamphlets and articles (including many for this magazine) and was the mastermind of the black market in film scripts. His art, to paraphrase Shakespeare, was never "made tongue-tied by authority," and by 1960 his own name reappeared on the screen when director Otto Preminger acknowledged him publicly as the script writer of *Exodus*. Much of this has been told brilliantly by Trumbo himself in fragments of *Additional Dialogue*, a collection of his extraordinary letters with explanatory notes by editor Helen Manfull. Cook brings the story into focus, and if his prose cannot match Trumbo's, there is still enough of Trumbo culled from *Additional Dialogue* and from lengthy interviews to make for lively reading.

Since the biography was written with Trumbo's full cooperation (I was told that he sent Cook 140 pages of extensive notes after he read the first draft), it is no surprise that he appears as an untarnished hero fighting the evils of the blacklist. Yet Trumbo himself, in accepting the Screen Writers Guild Laurel Award in 1970, said that there were no heroes or villains during that dark period, only victims, a charitable position which surprised and shocked many of his friends, including me.

Cook's admiration for Trumbo precludes any objectivity about his role as an activist, but it is to his credit that in dealing with Trumbo the writer he retains a reporter's critical perspective. Trumbo, as Cook puts it, "backed into screen writing" to subsidize his aspirations as a novelist. He was surprised at the difficulty of writing for the movies, but "the craft of writing," Cook says, "held a special fascination" for him. Working in the B-picture unit at Warner Brothers, he was forced to learn the craft of visual storytelling. That he did so quickly and successfully is attested to by his twenty-one screen credits between 1935 and 1941, the period during which he also managed to write four novels. His politics aside, Trumbo was ideally equipped for success in this commercial medium. His own life style was the stuff of which movies are made. He was, according to Cook, a romantic who believed in happy endings and "all this goes a long way in explaining Trumbo's affinity for screen writing. It was his métier, perhaps the kind of work that suited his deeper nature best."

"But," Cook asks, "is a screen writer a writer like any other?" There have been few satisfactory answers to this question. Three distinguished women—Anita Loos, Frances Marion and Lenore Coffee—whose writing credits date back to the silent days, seem to say "yes" in their memoirs because they love the movies and know that writing them requires a high degree of skill. The acerbic Ben Hecht says "no" in his autobiography, *A Child of the Century*, because he regarded the work as no more than "an amiable chore." Edward Lathem's *Crazy Sundays* explains why F. Scott Fitzgerald tried so hard and yet failed to establish himself as a Hollywood craftsman; and a lengthy chapter from Joseph Blotner's biography of William Faulkner describes how Faulkner collected movie loot without noticeable contamination even though he worked on forty-four films and qualified for credit on a mere six.

"Is the screen writer like any other kind of writer?" Trumbo's biographer answers his own question by conceding, "All the best of them can do is provide the director with a good comprehensive plan for a film." If this were true—and modern directors like Altman and their *auteurist* admirers would like us to think so—why did MGM give Trumbo a straight five-year contract at $3,000 a week or $75,000 a picture in 1946? Certainly not because his name would draw fans to the box office. It was, rather, his proven ability to put a story on paper so that it could be filmed as written. The script is the genesis of everything in film making. Without it, directors, actors, technicians and millions of dollars of equipment are idle. The man who writes the final, "shootable" script sets all the wheels of production in motion. Trumbo compared himself to "the architect of a ship," and the director to the captain who sails it. In other words, bad movies can be made from *good* scripts. (To which I would add that *great* movies are never made from *bad* scripts.) Cook explains the process this way: "It requires the participation of a whole company of artists and craftsmen, and even of businessmen, each of whom makes his separate contribution, and any one of whom may tip the balance in the direction of success or failure for any given production."

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on which Dalton Trumbo collaborated with his friend, Michael Wilson, Cook says it was the control exercised by its high-priced stars, Elizabeth Taylor and Richard Burton, that defined the final product. And he asks "Wasn't the true author of *Hawaii* (another Trumbo script) the head bookkeeper at United Artists who decided in mid-production to eliminate an entire sub-plot from the script?" Even a crusader for writer recognition like critic Richard Corliss admits that they are a "talented, frustrated breed" (citing Trumbo as the best example), and laments that "half the screen writers in Hollywood poured their talent into their witty letters, fierce memos and funny stories once they realized that their films would not be filmed as they were written."

Does this suggest that creative talent inevitably founders on the commercial shoals of the movie capital? Carey McWilliams who, as editor of this magazine provided a forum for Trumbo's opinions during the 1950s, gave Cook one answer: "Well, there are so many of the very talented out there who get caught up in motion picture writing to the neglect of all else. Trumbo is one of them. . . . Once they begin making money, they think they'll find time to do another book, but they never quite find it."

Implicit in this is the assumption that writing for the screen is necessarily less indicative of talent than the writing of novels or plays, an assumption challenged by Trumbo himself in a letter to Murray Kempton who, in his book, *Part of Our Time*, had discussed the descent of Trumbo's prose from a style that won a National Book Award for *Johnny Got His Gun* in 1940 to "the muddier depths of a Nash-Kelvinator ad." Trumbo countered with this:

> Having spent long hours, at their request, with such disparate characters as Sinclair Lewis, Theodore Dreiser, Scott Fitzgerald and John McNulty (how fortunate for my story they're all dead), attempting to explain a writing technique they wanted very much to learn, I can assure you consistent performance of the job requires a high order of skill. The four men I mention didn't fail because their intellects were too lofty, nor because they were too pure of heart, nor because they held the medium in contempt. Successful in other fields of writing, they failed as screen writers because they had no talent for that particular and difficult form.

What troubles me about Cook's approach is that he succumbs in part to the intellectual's contempt for movie work. Granted the importance of *Johnny Got His Gun* as an anti-war novel and granted the brilliance of the letters collected in *Additional Dialogue*, the bulk of Trumbo's writing was for the screen, and in a "definitive" biography of a screen writer his movies deserve more than the brief plot summaries Cook gives them. Though Cook obviously believes that writing movies undermined Trumbo's literary potential, at least he does not accuse him of selling out. If screenplays were his "métier," then he belonged where he was. Trumbo "went Hollywood" but he never forgot where he came from, and he never wanted to go back.

Cook has to go back to tell his story, to explain how a man with such a will to succeed, a born capitalist in a way, should have become an outspoken radical. When he can find no witnesses, Cook lets Trumbo tell the story himself, as he does with the early experiences at the Davis Perfection Bread Company where Trumbo worked for eight years to support his widowed mother and two sisters. "Sometimes," he tells Cook, "I would walk to the bakery full of sheer horror, feeling 'Well, here I am. This is the way it will always be.' By this time (1931), you see, I was approaching 30. And I was full of frantic determination to get out."

He was determined to be a writer and it was writing that provided the means for his escape. Always in need of money, he had tried kiting checks and even did a short stint as a bootlegger—a disastrous experience that became the source of an article he sold to *Vanity Fair* in 1932. Publication of the article led to a writing job on a Hollywood film journal and provided an entree to the studios. Three years later he had a contract as a screen writer. He had no illusions about movies as art, but he had to excel to finance his ambitions as a novelist. To beat the system—even one you held in contempt—he believed you must win its respect, and in Hollywood respect was—and is—measured and paid off in dollars.

He completed his last novel, *The Remarkable Andrew*, in 1940 and devoted his talents exclusively to writing movies. But why, having achieved the respect he sought—which he did both before and after the blacklist—did he not try to write films which reflected his own social point of view? The answer is obvious: he had no control in the selection of material produced by the studios for which he worked. Only once, when he invested his own money in the production of *Johnny Got His Gun*, which he directed in 1970, did he have complete control of material, and it was a financial disaster.

There was something else that kept him going. Like other Hollywood writers he was writing "important" films for the industry's biggest stars and his work was seen by millions of people all over the world. For those on the Left this situation led to the conviction—perhaps specious—that they had a special role to play in regard to film content. At a Congress of the Hollywood Writers Mobilization on the UCLA campus in 1943, producer Darryl Zanuck, then a colonel in the Air Force, spoke of dealing "realistically in film with the causes of wars and panics, with social upheavals and depressions, with starvation and want and injustice and barbarism under whatever guise." Trumbo spoke and his topic was the treatment of minorities on the screen. In calling for an end to offensive stereotypes and an effort to portray people of all nationalities, creeds and colors with the dignity they deserved, he paraphrased Emerson's defense of activism: "We can't write anything—whether we're journalists, novelists, poets, publicists or screen writers—without thinking that

## THE POCKETS

*They carry the spoon that unearthed another tin spoon*
*A magnet furred in iron filings*
*A shag of lint*

*They carry fiddleneck and the arrow-faced foxtail*
*A harmonica grinning with rust*
*The salt that forgot the palm it was rubbed from*

*They carry the key whose door was burned*
*A letter shredded into snow—*
*All that we dropped one by one*
*In the field under its own rule*

Gary Soto



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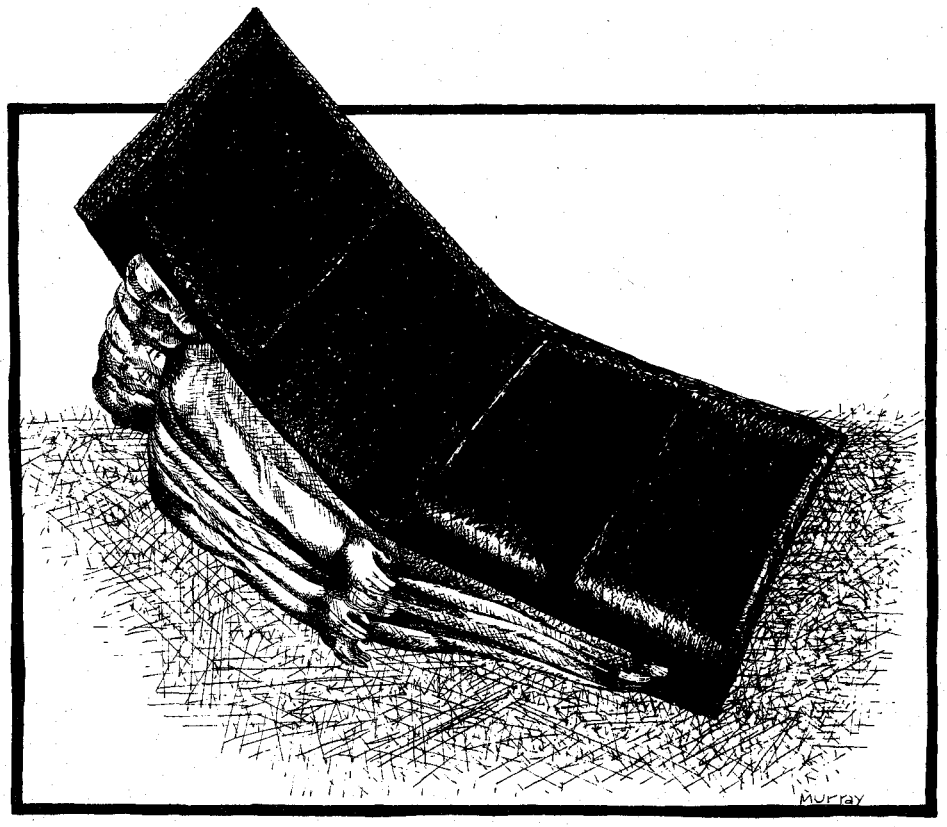


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But as public employees, we want government to meet its human responsibilities, too. To provide people with dignity and comfort.

We want to make sure when politicians say they're meeting fiscal needs, they're not ignoring human needs at the same time."

## "The business of government is people."

**Jerry Wurf**, President
American Federation of State,
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what we write is, for the time—the 'history of the world.'"

The country was at war with fascism, but in the long run progressive writers, despite the charges of Congressional investigators, did not—indeed *could* not—deal with controversial social or political issues which were unacceptable to the manufacturers of mass entertainment. The best they could hope to do was handle the subjects they were commissioned to write with honor and integrity. Trumbo, for the most part, did just that.

My recollection is that he was most effective as a screen writer when he wrote about subjects he knew best: *A Man to Remember*, a reflection of his childhood experiences in Grand Junction, Colo.; *Our Vines Have Tender Grapes*, which was reminiscent of his own beloved Lazy T ranch; *30 Seconds Over Tokyo*, one of the most authentic Hollywood combat films because Trumbo spent many weeks researching it and because he respected Capt. Ted Lawson whose story it told.

Cook admires Trumbo "not primarily as a literary figure, nor because he ever really accomplished so very much politically (what, after all, do you prove by going to jail?) but because he is a man of moral stature . . . he hung in there . . . survived, prevailed, even triumphed on a couple of occasions," and because he was a "champion"—in the Norman Mailer sense of "a prodigy of the will." Cook may not have written the definitive biography of a screen writer but those of us who knew Dalton must appreciate his lively and well-documented tribute Trumbo died on September 10, 1976, a few months before the book was published. □

# Psychobiography of Everyday Life

**RICHARD W. NOLAND**

If case history represented the best that psychology could do for biography, we would clearly have reached a dead end. Fortunately, however, in the last thirty years the growth of psychoanalytic ego psychology in the United States and of object relations theory in Britain has begun to give psychoanalysis a more adequate idea of and language for normal as well as abnormal ego development. In combination with an increasing influence from developmental psychologists (Piaget especially), contemporary psychoanalytic theory as represented by the work of Edith Jacobson, Margaret Mahler and Otto Kernberg (all American), and W.R.D. Fairbairn, D.W. Winnicott and Harry Guntrip (all British) comes much closer than did early theory to Freud's ideal of psychoanalysis as a general psychology. And Erik Erikson, perhaps the best known of all these ego psychologists, has almost single-handedly changed the nature of psychobiography from case history to life history.

As Paul Roazen has recently observed in *Erik H. Erikson: The Power and Limits of a Vision*, there are many problems in Erikson's two major psychobiographies—*Young Man Luther* (1958) and *Gandhi's Truth* (1969). My purpose here is merely to suggest the significance of Erikson's work as a general model for psychobiography, not its specific strengths and weaknesses. Much of Erikson's work has been devoted to thinking about the normal as well as the abnormal ego and about how the individual human ego interacts with a facilitating or nonfacilitating environment at every stage of the human life cycle. Erikson suggested the methodological implications for the psychobiographer of his idea of psychosocial development in "On the Nature of Psycho-Historical Evidence: In Search of Gandhi." The psychobiographer, he says, has two basic concerns—the person and the person's age. For each of these concerns there are two modes of analysis. In the first place, the psychobiographer is concerned with part or all of the life of his subject. Though necessarily concerned with particular moments in the person's life (that is, with given events of adolescence, young manhood or womanhood, middle age, or old age), the psychobiographer must remember that each moment exists in a psychological sequence which stretches from infancy to old age and which implies the continued operation in the present, for good and ill, of patterns established earlier in life.

For every moment and sequence in the subject's life, there is a corresponding moment and sequence in the life of the subject's community. This, of course, is the traditional domain of the historian, whose work is centrally involved in illuminating the social, political and cultural context either as an isolated moment in the life of a community or as a sequence of historical progression from a specific past to the present. The problem of the psychobiographer is to bring all of these elements—moment and sequence in the life of one person, moment and sequence in the life of a community—together into one unified structure which links inner experience and outer reality. We are now a long way from case history and clinical psychiatry.

The difference between case history and life history is the difference between the Sigmund Freud and William Bullitt book on Woodrow Wilson and Erikson's book on Luther. Freud and Bullitt are interested only in Wilson's intrapsychic conflict. Erikson begins his study of Luther with intrapsychic conflict by making Luther's identity crisis central to the work. With the identity crisis as a starting point, Erikson moves on to explore the individual and communal elements of Luther's life and of that crisis. With his conception of ego strength as well as weakness and of ego development as a sequence of successive presents not wholly reducible to previous experience, Erikson is able to make a number of inferences about Luther's early experience and yet to avoid reducing Luther's life to a few unconscious, repressed infantile themes. With his fundamentally psychosocial conception of the evolving human life cycle, he can avoid the error of case history in leaving out the full historical context. The result is perhaps the best work of psychobiography yet done.

The influence of Erikson's method and practice is enormous. Yet it is not at all clear that this influence has changed psychobiography, once and for all, for the better. It is still the case, for example, that a very difficult kind of professional training is required for the psychobiographer. If he is a psychiatrist, then he must master a considerable amount of historical information and method before he is ready to transcend case history. This is not easy for a busy clinician. If he is an historian, then he must master a large body of complex theoretical and clinical material—both of which may demand more time and energy than are available. The long-

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range solution to this problem of training is, of course, new kinds of interdisciplinary programs where humanists are trained in clinical science and, conversely, psychiatrists are trained in historical method. Such programs are likely to be few and far between for many years to come.

With or without adequate training programs, however, there are several recurrent dangers in psychobiography. These dangers are not limited to psychobiography. They appear in almost any example of applied psychology or psychoanalysis. In view of the fact that psychology is likely to be applied to other fields in the near future, critics and supporters alike might just as well confront the difficulties of its interdisciplinary use as soon as possible. One of the obvious difficulties is the mechanical, formulaic application of theory. The monotonous series of Oedipus complexes "discovered" by psychobiographers over the last fifty-odd years is an instance of formula. So is the overuse of Erikson's identity crisis or of his eight stages of the life cycle as a guide to human development. Where theory of any kind is used to interpret data, a mechanical application is possible. Still, psychobiographers are committed to the use of theory, and the best will succeed in avoiding its merely formulaic application.

The importance of theory in psychobiography suggests yet another difficulty. Whenever theory is used to interpret historical facts, there is always the danger of allowing the controlling presuppositions of that theory to distort the facts and so shape the interpretation. This matter of the distortion of facts by theory is undoubtedly a problem. Yet it is also true that the whole point of doing psychobiography is to apply psychological theory to an individual human life. Many people who raise the question of the distortion of facts by controlling theoretical presuppositions are tacitly questioning the legitimacy of any and all theory or (more usually) of the legitimacy of psychological theory, and for these people I have no convincing argument to make on behalf of psychobiography. For anyone else, I can only say that psychobiography cannot exist without the use of psychological theory and that the quality of this use depends entirely on the competence and awareness of each psychobiographer. As fuel for the critics, I would agree that there are still very few psychobiographies which meet the test of being adequate life histories (though many are competent and interesting case histories). But this only proves that the shift from case history to life history, like nearly all intellectual shifts, will come about very slowly and unevenly.

Consider, for example, the work of Bruce Mazlish. Mazlish is a trained historian (his primary interest is intellectual history) who is also thoroughly qualified in psychoanalytic theory. Yet his three published psychobiographies show distinctly varying degrees of success. By Mazlish's own admission, the first of these books—*In Search of Nixon* (1972)—is not a full psychobiography. It is "primarily a psychological sketch of Richard Nixon, informed by an awareness of psychohistorical theory and practice," but it deliberately omits almost the entire historical and situational dimension. With its concentration on what Mazlish selects as three outstanding personality traits of Nixon—role identification and ambiguity, ambivalence and denial—the book comes closer to case history than it does to life history.

The second of Mazlish's psychobiographies—*James and John Stuart Mill* (1975)—is quite different. It is life history in the full Eriksonian sense. In this book, Mazlish fulfills the goals which Fred Weinstein and Gerald M. Platt, in "The Coming Crisis in Psychohistory" (*The Journal of Modern History*, 1975), have claimed as essential to the future of psychohistory. Weinstein and Platt argue essentially that clinician and psychohistorian must start from different ends of a spectrum which extends from intrapsychic conflict and experience to a large number of social, economic, political and ideological factors. While the clinician may properly concentrate on the intrapsychic conflict, the psychohistorian must begin with the social and historical situation and then relate intrapsychic conflict to the multiple and variable elements that make up that situation. In his book on the Mills, Mazlish succeeds in connecting inner and outer experience through what he calls "correspondences" between external reality and change and internal personal development. It is not easy, but in this book Mazlish does manage to avoid reducing complex social and intellectual changes to intrapsychic conflict. He also avoids losing sight of


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individual experience in the massiveness of large-scale social change. Though it contains many imperfections, Mazlish's book on the Mills is a strong argument in favor of the value of psychobiography.

Mazlish is not equally successful with his third psychobiography, *Kissinger: The European Mind in American Policy* (1976). The problem here is a curious one. The book is certainly not case history. It contains a substantial amount of social, intellectual and political detail which is quite separate from Kissinger's inner life. There is even a believable and consistent (though probably not final) sketch of Kissinger's character traits—distrust of good will, desire for stability, fear of dependency, an ability to identify with opponents, intellectual ability, capacity for hard work, a tendency to megalomania, paranoia and arrogance—and a judicious effort to examine the roots of these traits. Yet, for me at least, something is missing. And that something, I think, is the sense of inner experience which Erikson had available with Luther and Gandhi and which Mazlish had with John Stuart Mill. Mazlish's psychological portrait of Kissinger remains an external one. A psychobiographer must have some kind of access to the inner life of his subject. This means an autobiography, memoirs, letters, diary or, with living subjects, an in-depth interview. One of the unique values of good psychobiography is its almost fictional capacity to focus on the interaction between ego identity and social process. Where the material necessary for at least a glimpse into the subject's inner life is absent (as all of it, including an interview, is in the book on Kissinger), then he or she is bound to remain less concrete, less particularized, than should be the case.

Psychobiography, then, is not only subject to a number of dangers but also to certain limitations. Until it allies itself with some other psychological approach, it is bound by the strengths and the weaknesses of the psychoanalytic genius for studying the unique person in the medium of interpersonal and social relations. Whether the subject is living or dead, this genius requires the data of inner as well as external experience. Otherwise, the one thing psychobiography can do that no other approach can—that is, add to the historical record a formally theoretical account of a unique individual life—is lacking. Psychobiography as life history rather than case history (though it must, of course, retain its ability to deal with varying degrees of ego stress as well as normative, conflict-free ego functions) is a research tool of enormous potential. It provides a method of testing and refining personality theory on the lives of individual human beings, living or dead, famous or not (Robert White's *Lives in Progress* is a kind of psychobiography). Such an approach generalizes beyond the individual focus of the usual biography, just as it particularizes and humanizes the "hard" facts of history and social science. If ever we are to have what Hans Meyerhoff used to call a science of historical anthropology, psychobiography will inevitably be one of its important components. □

# FILMS

## ROBERT HATCH

Robert Altman has done it again. By dint of his reputation and what I read as highly imaginative reviews, he is drawing huge crowds in New York for his latest picture, *3 Women*. Whether this seductive combination will work for him the next time around, remains to be seen.

The new picture is introduced by sounds that suggest an orchestra playing with too much feeling from within a cave. Appropriately, this eerie instrumentation is accompanied visually by chemically tinted clouds that part occasionally to disclose segments of a fresco depicting etiolated humanoids in mating gymnastics. That sort of highly atmospheric background for the credits usually promises quite extraordinary events to come, and so it proves in this case—though not for some time.

We "open" in the mineral pool of a Palm Springs geriatric retreat, where Millie Lammoreaux (Shelly Duvall), one of the attendants, is instructing Pinky Rose (Sissy Spacek) in the proper way to dunk the clients. That accounts for two of the three women. Ms. Lammoreaux seems capable enough at shepherding the senile, but off duty she is a disaster. A self-dedicated slave to passion, she is quite without male companionship, a lack for which she compensates by giving everyone within hearing of her voice (which more often than not is herself alone) leading hints as to her tumultuous adventures. This could be at least pathetic, but Altman has designed Millie as so extreme an example of the contemporary plastic American, devoid of any ideas, interests, tastes, vocabulary or vices not suggested by television or the magazines racked in supermarkets, that sympathy is drain-



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ed off by the terrible burden of being in her presence. Most of the others in the film protect themselves from this blight with brutish laughter.

But Pinky Rose, recently arrived in the desert and, I eventually suspected, on the earth, finds Millie a miracle of beauty, sagacity, fashion and packaged food. They decide to room together and on the way home to the singles motel stop off at a saloon got up to look like a Hollywood frontier town, a rendezvous for bikers and pistol freaks, many of them off-duty members of the local police. This oasis is owned by Edgar Hart (Robert Fortier), a retired movie stunt man. His wife, Willie (Janice Rule), is to be seen there in a concealing hat and lengths of cloth, painting the frescoes mentioned above. She is the third woman; note that she is pregnant.

What with lingering over the most depressing possible details of local color, it takes some time to set the stage for the plot that now thickens. Pinky falls steadily deeper in thrall to Millie, until, one night, they quarrel over whether the latter should go to bed with the absurd, and at the moment drunken, Edgar. Despairing over this rupture in her Eden, Pinky flings herself from the balcony into the motel pool and suffers so severe a concussion that for a time the doctors fear she will not regain consciousness. She does, however, but not as Pinky. She awakes as Millie—but a successful Millie, catnip to the loafers. And Millie, floored by the spectacle of her dream come true, takes on the Pinky role of handmaiden to bitchery.

Then one night, Pinky/Millie is beset by a most creepy nightmare, full of mist, priapic denizens of inferior murals and other more immediate lechers, including Edgar. This so frightens her that she reverts to her previous identity and seeks safety in the bed of Millie/Pinky. Then enter Edgar, reeling, who lets slip that Willie is in labor.

Off the other two rush, arriving in time for Millie, still the ever helpful but dithering Pinky, to assist in the delivery. Pinky herself stands transfixed, as though caught in a powerful electrical field. The child is stillborn. Next morning, when the soda pop truck arrives on its weekly visit, Pinky is behind the bar, reading a comic. Asked to sign for the cases of soda, she calls out, "Ma," and a stern Millie appears, signs and takes the other across the yard to lunch. There sits Willie on the porch swing, the elder of this female tribe. Daughter, mother and grandmother they are, a tableau of parthenogenic matriarchy, created out of mist and with supernatural high jinks, but no help from the gents.

I suspect that Altman is trying to tell us something about Woman—her role in the scheme of things. But these three females have no credible role in the scheme of anything. Millie is an extreme case of anomie induced by cultural disintegration; Pinky is as deracinated as a Martian (which perhaps she is; she appears to lack parents—worse yet, she lacks a Social Security number), and Willie is a skulking enigma obsessively turning the desert hideous with enervated graphic bestiaries. If they add up to a projection of the new woman, some male intervention is urgently needed.

Like other directors before him, Altman seems to have embraced the heresy that psychologically aborted human beings are per se dramatically rewarding. A man of Samuel Beckett's profundity can claim persuasively that, however much the circumstances of existence are limited, the instinct to survive—and to proclaim that one is doing so—survives. But if, as here, lives devoid of sense or dignity are held up to superficial caricature, the work itself is without content, and that lack cannot be remedied by abnormal occurrences discreetly left ambiguous. *3 Women* seeks, apparently, to derive a vision out of a desert of bad taste and vulgar aspiration. To treat such squalor as either funny or instructive is like asking the viewer to be amused or informed by a clinical display of brain damage. Indeed, brain damage, wrapped in hocus-pocus, is what the film is about. □

# THEATRE

## HAROLD CLURMAN

Though a number of meritorious "straight" plays (plays without music) by new dramatists have been produced this season—*A Texas Trilogy, The Trip Back Down, American Buffalo, Monsters, Gemini, Hagar's Children, The Shadow Box* (the Pulitzer Prize-winner)—musicals are still the most popular offerings on Broadway.

I neglected to notice *A Party with Betty Comden and Adolph Green* when it opened (it is now playing at the Little Theatre) because I had previously reviewed similar "parties" and because such performances are theatre events only by extension. But nowadays everything set on the stage for public appreciation is treated as theatre. And certainly the two delightful writers—Comden and Green—deserve attention for the pleasure they afford as they present their numerous numbers from the good old Village Vanguard days of the 1930s and from many Broadway musicals since *On the Town*.

I once wrote that Comden and Green were *amateurs*, using the word as praise. They are admittedly not singers in the accepted professional sense—they are, as they say, chiefly writers of lyrics, but the fact is they deliver them with gusto in unaffected good humor because, as one of their songs has it, they are "carried away." Their intelligent and spirited joshing is infectious. They strike one as part of our family, a family of citizens aware of the absurdities and peccadilloes we enjoy poking fun at. There is something "clean" and fresh about them (Betty Comden possesses a natural dignity) and, without being in the least condescending about it, one can honestly call their "party" nice home revelry.

I might not have thought of filling the gap in my reports here by this tribute, if I had not been reminded to do so by seeing a parallel show, *Side by Side by Sondheim* (Music Box Theatre). Stephen Sondheim wrote the lyrics and most of the time the music for *A Funny Thing Happened on the Way to the Forum, Gypsy, Follies, Company* and many more. He is the most prolific and most adept of today's musical comedy lyricists.

*Side by Side* is a different sort of "party" from the one given by Comden and Green. Sondheim's thoroughly American songs are sung here by three English performers. (The show originated in London's Mermaid Theatre.) It is prettily staged by Ned Sherrin who also serves as a roguishly canny master of ceremonies.

Sondheim's chief gift is contained in his lyrics: his music fits them to perfection, but as music it hasn't the melodious charm of Leonard Bernstein's tunes, which are Sondheim's "models." Still there is some of the same crisp stylishness in Sondheim's music as in his lyrics. But, while one speaks of "lyrics," Sondheim's style lacks lyricism. He is dryly witty, skeptical with a touch of metropolitan (New York) acid. There is a modicum of social mockery in the café or smart set (if there still is a "smart set") manner. He makes his points swiftly and deftly, and since we do not take their prick seriously (they do not make us bleed) we accept them with both a sense of recognition and self-congratulation at our own cleverness in acknowledging their pertinence.

Sondheim finds little genuine "heart" in the Big Apple—especially in the relationships between the sexes. The machine world is too much with us. We have



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so little time to ourselves. Too many people surround us, too much clamor, too many diversions, too much bigness, too much "company." Marriage is celebrated this way:

*Its the little things you share together,*
*Swear together,*
*Wear together,*
*That make perfect relationships.*
*The concerts you enjoy together,*
*Children you destroy together,*
*That keep marriage intact.*

This is followed by:

*You're always sorry,*
*You're always grateful,*
*You hold her thinking, "I'm not alone."*
*You're still alone.*
*You don't live for her,*
*You do live with her,*
*You're scared she's starting to drift away*
*And scared she'll stay.*

Sondheim is smart.

The three singers of *Side by Side* are all persons you would like to date. Millicent Martin, who sings best, is endowed with a beautiful bosom; Julie McKenzie with a beautiful back. David Kernan is handsome. The three have the right all-purpose personalities. Martin is sexy, and adorably British; McKenzie, Piccadilly mischievous; Kernan, the ideal escort. All together, a whopping show.

Amusingly staged by Gene Saks, *I Love My Wife*, with a book and lyrics by Michael Stewart, music by Cy Coleman, is an entry which made me think of the kind of convivial fun one might enjoy in a camp for adults. One is indulgent, complains of nothing and without thinking any more about it one says, "We had a good time." (Ethel Barrymore Theatre.)

Its story—if one chooses to call it one—is that of an old movie (though in this case credited to a play by Luis Rego) in which two couples experiment by going to bed together in a wife-and-husband exchange. Of course nothing unallowably wicked occurs. *Basta!*

The one outstanding feature of the evening, for me, was a four-musician chorus which at moments of "suspense"—they suspend the foolishness—appear first as moving-van-and-storage workers, later as ancient Athenian bards, then as devils, to sing, play the guitar and banjo (Michael Mark), the drums (Joe Saulter), the piano (Ken Bichel), the bass violin (John Miller) with raffishly cheerful abandon.

Lenny Baker as the shyly resistant husband who doesn't care for the suggested "experiment" is darling. The reviewers of our three dailies were crazy about the show. Spring is here. □


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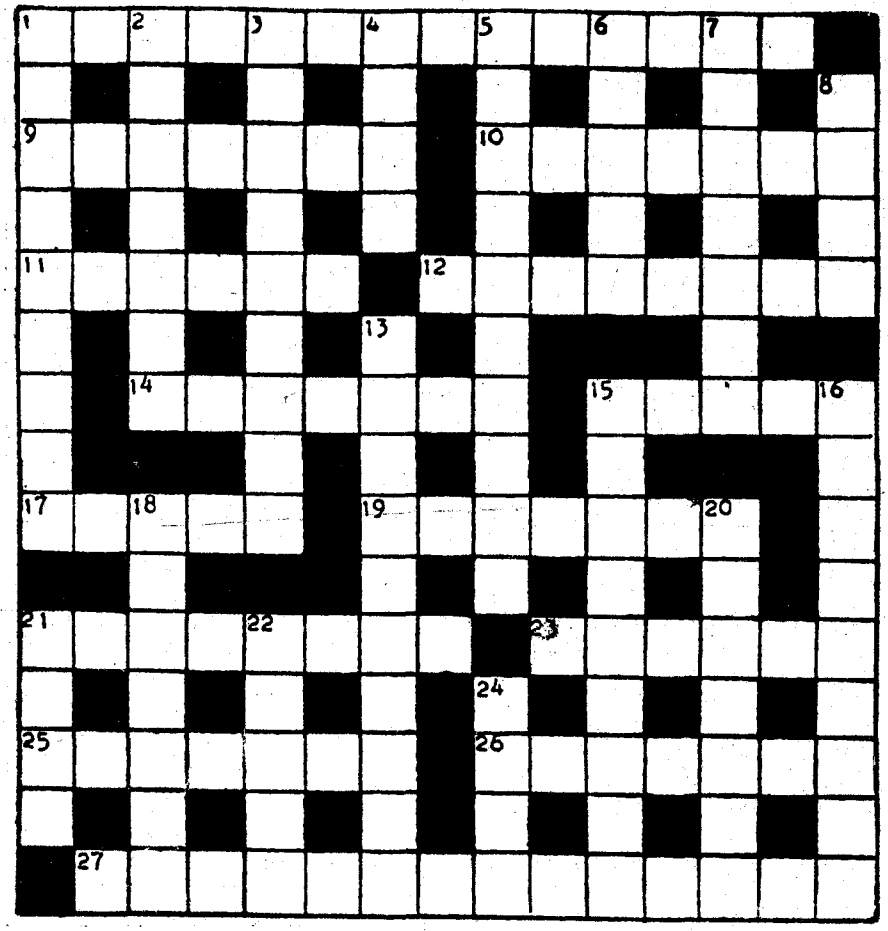

### ACROSS

1 A show of force with those who take things in a game for children. (4,3,7)
9 Dancing with 21 across, subject to the Mock Turtle, to begin with. (7)
10 Made use of the joint to get by? (7)
11 A hammer of Russia's led Germany. (6)
12 With an indication of loudness, able to speak expressively? That's rich! (8)
14 Candy is such a delight to some. (7)
15 A self-made this? Not true! (5)
17 What the strikers did should be material here. (5)
19 Take a deep breath, and make a religious point about us. (7)
21 Doing the Twist, perhaps. (8)
23 See 3 down
25 In an insolent way, talk back to an animal riding behind. (7)
26 The province of art, able to be formed by it. (7)
27 Implying a comparatively light spirit is standard, though one might be scared to be so. (2,4,2,1,5)

### DOWN

1 and 2 Not Marley's past or future gift. (9,7)
3 and 23 across When cornered, Jack had what the insistent almost-intruder possesses. (1,6,2,3,3)
4 How to make an animal point with an old ruler. (4)
5 and 24 Saturday or Sunday, Christmas is this year in the indefinite future. (3,2,5,4)
6 Born first and born second. (Very confusing here!) (5)
7 Certainly not a good buy in untreated wood. (3,4)
8 Perhaps revise what Canute tried to stop up. (4)
13 Dances in so awkwardly you might not find it agreeable. (10)
15 Most of light baggage obviously contains it! (6,3)
16 A displaced Texas (an awkward rube at heart) is full of high spirits. (9)
18 One doesn't quite make it home with them, proving some journey with the French. (7)
20 Have you some grass to spare, possibly? (7)
21 What drying rubber might do. (4)
22 In Omaha if American—otherwise in the Middle East. (5)
24 See 5 down

### SOLUTION TO PUZZLE NO. 1677

ACROSS: 1 Turntable; 9 Pumpkin; 10 Radical; 11, 13 and 6 across Parking meter; 12 Nosing; 15 Thespian; 16 Gorget; 18 Mature; 20 Shredded; 23 Airs; 24 Lumber; 25 and 27 Armpits; 28 Uranium; 29 Raucous; 30 Eases; 31 Residents. DOWN: 1 Top up; 2 Remorse; 3 Taking part; 4 Bandsman; 5 Errant; 6 and 15 down Made to measure; 7 Ticking; 8 Relegated; 14 Come around; 17 The Birds; 19 Turbans; 21 Dragoon; 22 Summer; 26 Muses.



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# ALL THE NEWS THAT'S FIT TO PRINT ABOUT JEWS ISN'T IN THE NEW YORK TIMES

## (OR THE WASHINGTON POST OR ON CBS)

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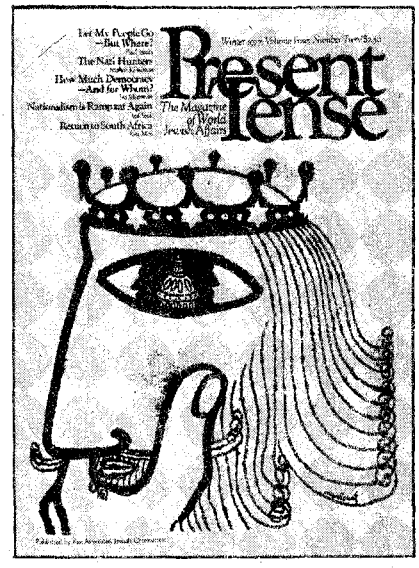


**On American Jews:** "For the first time in American history, American Jews feel secure enough in their Jewishness and in their Americanism to challenge major aspects of this country's foreign policy." Stephen Isaacs, Summer '74.

**On Soviet Jews:** "The historic turning-point was the trial in 1970 of eleven foolish, naive young people who hoped to steal a small airplane and fly to freedom in Scandinavia." Murray Seeger, Autumn '75.

**On searching for roots in Eastern Europe:** "Where was my mother's home? Where was the path she must have walked to the Narew River she had told me about? Where was the synagogue and where was the market place?" Sigmund Diamond, Spring '76.

**On Jerusalem:** "No place on earth offers so many delights to the eye, the ear and the mind as Kollek's Jerusalem, but one must find the time to stand and stare." Chaim Bermant, Spring '74.

**On renewed interest in Judaica among young Americans:** "The young people perceived themselves as survivors of the failures of Jewish education and the false values of America." Sylvia Rothchild, Summer '75.

**On Israel's Nature Reserves:** "It may be that General Yoffe's animals will somehow lead the people of the Middle East to peace one day. But the tanks were in the mountains, waiting. The real beast in the desert was still man." Robert Spero, Summer '76.

**On being a Jewish poet:** "The truest Jewish poetry will be written out of the inward preoccupations of people who happen to be Jews." M. L. Rosenthal, Winter '76.

**On the Persian Gulf arms race:** "The ramifications of what is happening... extend from the Caspian Sea to the Suez Canal and from the African Coast to Pakistan." Tad Szulc, Spring '75.

**On Israel's Arab intellectuals:** "I am an Israeli but I cannot be a Jew." Naomi Shepherd, Spring '75.

**On American foreign policy:** "American companies, which for so long we have considered 'our companies,' have in fact become the policing agents of the Arabs' boycott against the U.S." Paul Dickson, Spring '74.

**On South Africa:** "To live with such a system of laws, with certificates of racial purity, with leaders who admired Hitler, to live in South Africa as a Jew and to be silent and happy takes some special skills." Rose Moss, Winter '77.

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